THE OLD-GUARD OHIOAN: JOHN BRICKER AND COMMUNISM IN AMERICAN POLITICS

by

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Introduction

Despite being a source of serious political activity and controversy in twentieth-century American politics, John Bricker has been the subject of little scholarly attention. One biography exists about his entire life, and it has been nearly three decades since its publication.[1] The life of John Bricker – former Ohio governor and Senator, and the Republican Vice-Presidential nominee in the 1944 presidential election – is a truly American story. Born in a log cabin near rural Mount Sterling, Ohio, on September 6, 1893, Bricker was educated in a one-room schoolhouse. He funded himself through college and law school at The Ohio State University by working several jobs, all of which helped to launch him to some of the highest elected ranks of American politics. In this sense, John Bricker's life is a story of success.[2]

Yet, despite its many successes, his life is also a story of defeat and frustration. Elected as Ohio's governor for three consecutive terms – each by a wider margin of victory – in 1938, 1940, and 1942, Bricker lost in the 1944 national election, in which he served as running mate to New York governor Thomas E. Dewey. Although Dewey and Bricker carried Ohio, President Franklin Roosevelt won an unprecedented fourth term in office. Bricker went on to be elected twice to represent Ohio in the U.S. Senate, but his failed amendment to the United States Constitution to curb the power of foreign treaties against American sovereignty, known as the Bricker Amendment, lost him votes in that process from his Republican colleagues in the Senate and alienated President Eisenhower. And, finally, the political career Bricker had built up over several decades

[1] Richard Davies, *Defender of the Old Guard: John Bricker and American Politics* (Columbus: Ohio State University Press, 1993).
[2] Ibid., ix-x.

came crashing down, never to be revived, when he lost his Senate reelection bid in 1958 – largely due to a strong voter turnout mobilized by the unions, Bricker's political adversary since his early days as governor. He remained active in politics in Columbus, Ohio, until his death on March 22, 1986, at the age of ninety-two.[3]

One likely reason that Bricker's life has generated little scholarly attention is that he left behind few substantive achievements from the many political offices he occupied. His major achievement came during his time as Ohio's governor, where he eliminated the state's large debt, bringing over a $75 million surplus to the state treasury by 1945. Yet his legacy stems more from his opposition – which became increasingly bitter and polemical – to a changing world. The America of small government, low taxes, and diplomatic and military isolationism that he knew well from childhood became increasingly an America of bureaucracy, government intervention, and globalism beginning in the 1930s.[4]

Though Bricker left behind few notable policy achievements, his political story remains important for historical inquiry. Bricker was one of the last major Old Guard Republicans in mid-twentieth-century American politics. The Old Guard involved the section of Republican Party that stayed opposed to the New Deal, American intervention abroad, and the increasing size and scope of the federal government. Bricker's identity as an Old Guard Republican is a story of frustration and failed opposition against a changing America. His fellow Ohio Republican Senator for several years, Robert Taft, known as "Mr. Republican," moved more with the times, sometimes working with Democratic President Harry Truman on policy, and did not resist the newly emerging America with

[3] Ibid., 214-215.
[4] Ibid., xii.

Bricker's harsh polemics (though Taft's political career also had its frustrations). In particular, Bricker's life is a means of exploring an Old Guard reaction to extensive changes to American life in the mid-twentieth century.[5]

Focus of Historical Inquiry

Since Richard Davies has already produced a biography of John Bricker, this thesis project will not attempt to replicate a biography. What does remain open for additional inquiry within Bricker's opposition to a changing America, however, is his strong anti-communist, McCarthyite language. This was especially apparent in the 1940s, which can be said to be Bricker's heyday in American politics. In that decade, he served in the last two of his three terms as Ohio governor from 1941 to 1945, was the GOP nominee for Vice President in 1944, and defeated Ohio Democratic Senator James Huffman in 1946, winning reelection comfortably to that seat in 1952. Bricker's voice was amplified while he occupied some of the nation's highest offices. He delivered his speeches with his usual Midwestern folksy appearance and demeanor, often harping on the importance of a balanced budget, railing against labor unions, and scorning what he saw as a ballooning bureaucracy under Presidents Roosevelt and Truman.[6]

That strong, sometimes quasi-conspiratorial, anti-communist language from the late 1930s through Bricker's political downfall in 1958 has not been sufficiently explored. How and why John Bricker, one of Ohio's most popular Republican governors (and Republicans in general) of the period, and the last one to be elected to three consecutive terms, sounded the alarm against perceived communist infiltration in

[5] Ibid., 63.
[6] Ibid., xi.

American life and government will be the subject of this essay. This is particularly intriguing because Bricker drew attention to communism *before* Senator Joseph McCarthy of Wisconsin, the paradigmatic red-baiter of the time, came to the national scene. In other words, McCarthy was not the first to sound national alarms against anti-communism. How and why Bricker, not McCarthy, came early to the issue is what makes this historical inquiry important.

I will argue that Bricker's anti-communism stemmed from political developments in Ohio and in the federal government between 1938 and 1944, though his anti-communist fervor continued through the late 1950s. The first crucial event occurred in 1938, when the American Communist Party endorsed his gubernatorial opponent, Charles Sawyer. Soon following this, Bricker doubled down on his instinctual conservative principles during the Ohio relief crisis in 1939 while governor – an event that painted him as a hard-hearted conservative, unwilling to provide relief for unemployed Ohioans when pressed to take New-Deal-style actions at the state level. This event pushed Bricker from his moderately conservative image of the mid-1930s to that of a rock-ribbed conservative on the far Right. Indeed, his support for welfare programs to aid mothers and children, as well as fighting for a minimum wage law in Ohio during the Depression, suggests that he was not always a staunch conservative, far less a reactionary. I then turn to the 1940s. I attempt to show that the New Deal's continuation in American life, combined with enough evidence of communist influence and sympathies in the federal government throughout the decade, gave rise to the more inflammatory, anti-communist Bricker who loosely associated the New Deal with communism as an open gate for that ideology to enter into American life. Finally, I consider Bricker's even stronger anti-communist

language during his years in the Senate (1947-1959), which was when he became most outspoken on that issue. I distinguish it from McCarthy's anti-communism, basing Bricker's tactics on conservative principles by using anti-communist language to discredit the New Deal – whereas McCarthy's reckless style reflected more the desire for media attention and personal political gain than a wish to promote a principled conservative alternative to the New Deal.[7]

Bricker's conservatism made him unbending when faced with pressure to expand government in a New-Deal style through greater financial aid to Ohio's unemployed. That communists had endorsed his gubernatorial opponent the previous year and were loosely associated with another of his political rivals, organized labor, increased Bricker's fears of communist influence on the ways of American life he knew so well, and he used this issue more passionately in the Senate. That Bricker's fear of communism was based on its threat to his political principles is illustrated by the marked contrast between Bricker's anti-communist language – directed mostly at discrediting big government and those behind it – and McCarthy's misguided attacks on institutions, such as the U.S. Army. Overall, Bricker's backwards looking vision for the country – to bring back what worked well in the past – and his sense that anti-communism worked well against New Dealers led him to emphasize that issue for many years.

Current Literature and Methodology

There is only one secondary source that focuses solely on Bricker and covers his entire life: his biography by Richard Davies. Although this paper will focus particularly

[7] Ibid., 185-186.

on Bricker's life from 1938 through 1958, I take Davies' work as a guide for understanding Bricker's life holistically. Davies covers all periods of John Bricker's life in good detail, which is helpful for this project. However, Davies' focus on Bricker's entire life means, understandably, that some important details are mentioned but not explored thoroughly. One of these underexplored aspects in the biography is Bricker's fight against communism. Davies discusses trends in Bricker's passionate language against communism throughout the 1940s, noting Bricker's alarms against perceived "conspiracy, deceit, subversion, lies, and treason," as well as "growing fears of internal Communist inroads."[8]

From this, Davies' biography provides an illustration of Bricker's anti-communist language. Yet it does not inquire into the origins of Bricker's passion to sound such alarms, nor does it compare Bricker to other national figures against communism around that time – especially Senator Joseph McCarthy – to understand Bricker's motivation for so openly fighting the communist political ideology. Such inquiry will involve not only examining primary sources but also contextualizing Bricker within the political setting of his time.

Primary sources from Bricker himself will be the most helpful for understanding him and his lifelong predilection for small government. Unfortunately, Bricker seems to be someone who thought little of preserving his correspondence. It, particularly private letters, does exist, but not in ideal abundance for historical inquiry. Personal correspondence is ideal because it is more likely than most other sources to reveal the true beliefs of the figure on a certain subject. Though the John W. Bricker Papers at the

[8] Ibid., 139-40.

Ohio History Connection in Columbus contain little personal correspondence from Bricker, Davies' biography fills in this void sufficiently. Bricker allowed Davies, who interviewed him in 1967, to access private papers in Bricker's law office, which were used in the biography and are referred to in this bibliography as the Bricker Personal Papers (BPP).

The Ohio History Connection has over 150 drawers containing other primary sources from Bricker's public life – such as campaign speeches, Senate speeches, meeting minutes, and notes from interviews and telephone conversations – that will be utilized. These sources will be referred to as the John W. Bricker Papers (JWBP). Such sources are important because they may contrast with Bricker's personal beliefs on political matters; that is, they may illustrate how Bricker would have conveyed his thoughts publicly, rather than privately, transforming his personal opinions into more developed rallying points for campaign stumps and speeches. Additionally, the Columbia University Oral History Research Office contains a Bricker Oral History series with some of his radio speeches.

Like all political figures, Bricker was a man of his time. Thus, contextualizing him and his views within Ohioan, Republican, and twentieth-century politics, as well as the developing Red Scare at that time, are also important. Many secondary sources exist that will aid this endeavor. This essay will, in part, explore Ohio politics in Bricker's time. In particular, it will touch on unions – Bricker's perennial adversary, a target of his rhetoric against communism, and a thorn in his side during the 1939 relief crisis – in twentieth-century Ohio.[9] On the national scale, the history of the Republican Party,

[9] Ibid., xi.

starting with President Herbert Hoover (1929-1933), and conservatism will help to situate Bricker within the development of his political party.

Since this essay will explore the nature of Bricker's anti-communism, it will, in part, examine an important paradigm of anti-communism in Bricker's time: Joe McCarthy. McCarthy's anti-communism will serve more as a model to compare to and contrast the nature of Bricker's anti-communism, and less as a base for inquiry into Bricker, since the two men came from different states (though both were native Midwesterners). However, exploring McCarthy's political tactics is important to provide a contrast for understanding Bricker in his own context. What Bricker's anti-communism message was *not* – not as unhinged or resembling a witch hunt as McCarthy's, as I will attempt to show – is just as important as understanding what it *was* for Bricker's style, which was much more principled and restrained.

Before diving into the heyday of McCarthy and Bricker, I begin by exploring the period between Bricker's childhood and his first term as Ohio's governor in 1939. Bricker's power on the national stage, decades in the making, and his instinctual conservatism begin with his upbringing in the small-town Midwest.

Ohio, Born and Bred: John Bricker, 1893-1920

John William Bricker was born on September 6, 1893, a few miles northwest of Mount Sterling, a rural village in central Ohio. Mount Sterling lay about twenty-five miles southwest of the state's capital, Columbus. His twin sister, Ella, was born the same day, comprising the only children of Lemuel and Laura Bricker. The Brickers farmed fifty acres of land and owned an aging log cabin, which was expanded over the years to

include a loft where the seeds for the next planting season were preserved. Laura and Lemuel represented the determined Midwesterners of the late nineteenth century who worked small family farms for their own living. The emphasis on self-sufficiency, hard work, and individual responsibility was ever-present for the young John Bricker, qualities that stayed with him for the rest of his life.[10]

Mount Sterling provided a stable, secure, and conservative setting for Bricker's upbringing. By 1890, the village had grown to a population of nearly one-thousand residents.[11] Like other small towns across Ohio, it provided a social and economic venue for farmers, who came to the town center to sell cattle, grain, dairy products, and livestock. Neither widescale industrialization nor the influx of Eastern European immigrants touched Mount Sterling or its surrounding areas during Bricker's upbringing. Besides the replacement of horse-drawn carriages with tractors and automobiles in the early twentieth century, and dirt roads with paved ones, Mount Sterling's way of life remained stable. Bricker came to adopt this sheltered worldview of agrarian life, small schoolhouses, and Protestant ethics. He read from the *McGuffey's Readers* textbooks, was educated in a one-room brick schoolhouse for his early years, and worked long hours with his father in the fields. Even over a century since Bricker's birth, Mount Sterling, its people, and its outlook "have remained much the same."[12]

John Bricker's father, Lemuel, seems to have been an important influence on the young Bricker's conservative social and political outlook as well. Lemuel was a model of diligence and sobriety. Like most farmers of the agricultural middle class in Ohio at that

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[10] Karl B. Pauly, *Bricker of Ohio: The Man and His Record* (New York: G. P. Putnam's Sons, 1944), 14-21.
[11] Davies, *Defender of the Old Guard*, 2.
[12] Ibid., 3.

time, he never became even modestly wealthy, despite his many years of labor in the fields. By the time of his death in 1916, Lemuel owned two small farms that barely exceeded one-hundred acres.[13] Fortunately for the Brickers, Ohio farmers did not feel the full brunt of the fall in commodity prices as compared to the farmers to the west at the end of the nineteenth century. Yet work on the farm never ceased. John's responsibilities increased in size each year of his childhood, the growing son regularly assisting his father in the fields by age ten. As a teenager, John also worked on nearby farms during haying season.[14] Lemuel always had work for his only son to do, drilling the importance of punctual performance for chores and a sense of individual responsibility from an early age.[15]

Lemuel also represented the general political outlook of his neighbors at that time, which was passed on to John. Lemuel was a "dedicated Republican who took his politics seriously," and John turned out to be no different in his adulthood. The Republican Party in Ohio at the end of the nineteenth century was still in its heyday, having enjoyed national and state power since the end of the Civil War in 1865. It was the party of Lincoln, founded in 1854, that had preserved the Union and freed the nation from slavery. The party produced seven presidents – all Republicans – from Ohio alone between the end of the Civil War and the beginning of John Bricker's legal career: Ulysses S. Grant (1869-1877), Rutherford B. Hayes (1877-1881), James Garfield (1881), Benjamin Harrison (1889-1893), William McKinley (1897-1901), William Howard Taft (1909-1913), and Warren G. Harding (1921-1923).[16]

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[13] Pauly, *Bricker of Ohio*, 15.
[14] Ibid., 16.
[15] Davies, *Defender of the Old Guard*, 4.
[16] Ibid., 5.

Additionally, the GOP's support of a high national tariff was appealing to farmers and small businessmen in the Midwest. Politics was discussed regularly in Mount Sterling – virtually always in pro-Republican ways. State leaders at the time, such as "Fire Alarm Joe" Foraker, a Republican who represented Ohio in the U.S. Senate from 1897 to 1909, reminded Ohioans frequently of the Ohio Democratic Party's Copperheads, those Democrats who had attempted to seek peace with Confederates during the Civil War. He sometimes did this by waiving a bloody shirt from his time as a captain in the Union Army.[17] Complementing the Republicans' appeal was the Democrats' disunity in Ohio. Democrats at that time were "weakened by factionalism, bereft of any inspiring program, and weighted with liabilities out of the past" (Lincoln, after all, was not in their party).[18] On the tariff issue, Democrats lost support by taking the anti-protection stance. Some in the party opposed William Jennings Bryan, the 1896 Democratic candidate for president who campaigned on the free-silver platform, because they saw him as staining the Democratic Party with radicalism. Others supported Bryan because he was a symbol of protest against the power of trusts and bankers.[19] With the Democrats struggling for popularity and solidary, the Republicans enjoyed a comfortable domination in Ohio politics in the second half of the nineteenth century and well into the twentieth.[20]

Commenting on the era of Bricker's childhood, Brand Whitlock, a four-term mayor of Toledo elected as an Independent, quipped that, "One became…in Ohio for

[17] Ibid., 5.
[18] Hoyt L. Warner, *Progressivism in Ohio: 1897-1917* (Columbus: Ohio State University Press, 1964), 5.
[19] Ibid., 5.
[20] Davies, *Defender of the Old Guard*, 5.

many years, a Republican just as readily as an Eskimo dons fur clothes."[21] The model Lemuel set as a father, along with Mount Sterling's political environment, ensured that John Bricker would slide easily into the Republican mold like those around him. Indeed, one of John Bricker's earliest memories involved an Ohio Republican: hearing incumbent President William McKinley campaign in Columbus for reelection in 1900. Shortly after that, before he was ten years old, John was already accompanying his father to the Republican caucuses in Pleasant Township, a nearby village in Franklin County and close to Columbus. Bricker later recalled never even giving a thought to becoming a member of any other party except the Republicans.[22]

Bricker's education complemented his values and political leanings from an early age. Unless he went on in school far beyond the typical Mount Sterling residents, Bricker would have likely been disadvantaged in seeking high public office. Laura and Lemuel Bricker had resolved to give their children the best possible education. Said Laura Bricker plainly about her children, "I want them to get an education so they can do the more good."[23] After eight grades at the McKendree School, John and Ella transferred to the Toops School and then Mount Sterling High School, from which they both graduated in the class of 1911. During high school, John and Ella learned much in theory and in practice. Besides taking courses in history, Latin, mathematics, and chemistry, oratory was emphasized, which aided John Bricker's ambitions for politics. Apparently, by age eighteen, his conservative principles were developed and well-articulated. During the 1911 graduation exercises, John Bricker presented the class address on the proposed

[21] Brand Whitlock, *Forty Years of It* (New York City: Appleton Press, 1914), 27.
[22] John Bricker, interview by Richard O. Davies, August 19, 1967.
[23] Quoted in Pauly, *Bricker of Ohio*, 17.

constitutional amendment for the direct election of United States senators (which became the Seventeenth Amendment in 1913). In keeping with his conservative outlook, Bricker argued against the amendment to his class with detailed points on why the current system worked just fine in his view.[24]

Bricker's childhood experiences with the Republican caucuses in Pleasant Township, along with his enthusiasm for history, inclined him to become a lawyer. The financial means were there, given his and his family's frugal habits. Additionally, John possessed the intellectual enthusiasm for becoming a lawyer. "We never had any trouble in getting him to go to school," his mother recalled. "He was determined that he was going to go to college and become a lawyer."[25] After graduating high school in 1911, Bricker stayed home for a year to save money for his undergraduate studies at Ohio State. He enrolled there in the fall of 1912, majoring in history and government.[26] Bricker maintained a busy life while an undergraduate, participating in several extracurriculars, including playing on the varsity baseball team starting his sophomore year. Having earned several "merits" (the equivalent of an A in today's grading), Bricker was set up for law school. In a 1967 interview, where Bricker was asked about his undergraduate days, he focused more on the social side rather than the academic experience. He also commented that no professor stood out as having shaped or influenced his social or political views. If anything, Bricker's instinctually conservative nature was already developed by the time he arrived at college; his collegiate experience likely only encouraged his interest in politics and his conservative outlook.[27]

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[24] Davies, *Defender of the Old Guard*, 7; Bricker to Clay Johnson, July 7, 1942; Pauly, *Bricker of Ohio*, 26.
[25] Quoted in Pauly, *Bricker of Ohio*, 18.
[26] Davies, *Defender of the Old Guard*, 9.
[27] Pauly, *Bricker of Ohio*, 34-35; John Bricker, interview by Richard O. Davies, August 19, 1967.

As a general note, Bricker's conservative outlook during his undergraduate years, and throughout his life, reflects more his preference for a constrained role of government rather than a set of socially conservative views. No record from Bricker himself, or commentary about him, elicits his substantive views on social concerns throughout his life. There does not seem to be a comment from him about the Civil Rights Movement, for example. It is not even clear whether he thought much about the Movement or its goals. However, the Republican Party's 1944 platform – the year Bricker was the Republican candidate for Vice President – denounced lynching, poll taxes, and other forms of racial discrimination. It also endorsed a constitutional amendment that would guarantee equal rights for minorities and women.[28] Though primarily crafted by Senator Robert Taft of Ohio, Bricker at least implicitly endorsed these parts of the Republican platform. There is no evidence to suggest any of Bricker's views on these social topics, but he does not seem to have had any hostility towards them either. Whether Bricker's social views went along with such platform goals, or whether he was generally uninterested in such issues, is not clear. His actions while Ohio's attorney general, where he sought to protect women and children from economic hardship during the Depression by creating state programs, suggest moderately progressive social views of that time.[29] However, his strong support for Prohibition was a socially conservative view around the time of World War I.[30] In that sense, Bricker was a social conservative. Overall, though, comments on his conservative nature have more to do with his views on government's

[28] Davies, *Defender of the Old Guard*, 96.
[29] Ibid., 29-47.
[30] Ibid., 10.

role and scope of power, particularly concerning the federal government, not socially conservative views.

Besides enjoying a high social status on campus for his sportsmanship, Bricker stayed busy elsewhere. In 1914, he was elected junior class president at Ohio State. As a senior, he served as president of the YMCA, whose membership on campus exceeded seventeen hundred students. Under his leadership of the organization, Bricker led the YMCA on a campaign to support what would become the Eighteenth Amendment to the United States Constitution (ratified in 1918 but repealed by the Twenty-First Amendment in 1933), which outlawed the sale and consumption of liquor in the United States. The Ohio State student yearbook from 1913 reported that Bricker organized "13 men hitting seven towns in the fall campaign" on behalf of prohibition.[31] While serving as president of the YMCA, Bricker met his future wife, the president of the YWCA at Ohio State during that time, Harriet Day.[32]

Throughout college, Bricker continued developing his oratory skills, taking a position on the Ohio State debate team. In keeping with his conservative principles, he and the Ohio State team defeated the Indiana University debate team during his junior year, where Bricker argued the negative side of the question, "Resolved, that the federal government should own and operate the telephone and telegraph system of the United States."[33] He served as president of the Political Science Club (chaired at that time by historian and Ohio State professor Arthur Schlesinger, Sr.) and was a member of the Delta Chi fraternity. The men of the fraternity jokingly nicknamed Bricker "Governor,"

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[31] The Ohio State University, *Makio*, (Columbus, OH: 1916), 208, Bricker Biographical File, Ohio State University Archives (accessed October 30, 2020).
[32] Davies, *Defender of the Old Guard*, 13.
[33] Pauly, *Bricker of Ohio*, 30.

though the name was more than just a joke to him. While still an undergraduate, Bricker traveled to bordering towns and villages of Columbus, speaking to Republican groups. In 1916, Bricker and fellow student Paul Herbert, who later became Bricker's lieutenant governor, founded a campus Republican club to support Charles Evan Hughes' candidacy for president that year. Bricker's commitment to politics – Republican politics – at the state and national levels was serious.[34]

Bricker enrolled at The Ohio State University School of Law in the fall of 1916. Bricker's biographer described the young law student as "diligent and capable, but certainly not brilliant."[35] An even less flattering characterization by John Gunther of Bricker – an image of a man perhaps committed to his causes but never an intellectual heavyweight – came up decades later when Bricker was a U.S. senator. To Gunther, Bricker was scarcely worth mentioning, a figure who had never said "anything worth more than thirty seconds of serious consideration by anybody" and whose mind "is like interstellar space—a vast vacuum occasionally crossed by homeless, wandering clichés."[36] Though Bricker never did seem to measure up, in terms of intellect, with his future fellow Senator Robert Taft (an alumnus of Yale and Harvard Law School – first in his class at both), he was always an engaged participant in his endeavors, including law school. This is not to say that Bricker lacked native intelligence. He performed well in law school and eventually became a senior partner at a Columbus law firm. His perceived lack of intellect stems more from his inability to form a principled alternative to the New

[34] "Busy Week Planned by University Y.W.C.A.," *Ohio State Lantern* (Columbus, OH), September 21, 1915, https://osupublicationarchives.osu.edu/?a=d&d=LTN19150921-01.2.32&srpos=59&e=------191-en-20--41-byDA-txt-txIN-John+Bricker------ (accessed November 19, 2020); Pauly, *Bricker of Ohio*, 57.
[35] Davies, *Defender of the Old Guard*, 11.
[36] John Gunther, *Inside U.S.A.* (New York: Harper & Row, 1951), 460.

Deal or a direction for the Republican Party after World War II, which will be explored later, and instead resorted to conservative epithets against the New Deal that wore out over time.[37] Professor George W. Rightmire, one of Bricker's law professors and later president of Ohio State, noted Bricker's capabilities and view of the law's function while a law student. According to Rightmire, Bricker was never very committed to theoretical issues in the law, seeing it instead as a way to "solve the facts and give an intelligible answer" to social and legal questions. Rightmire also characterized Bricker's view that the law "must be alive and effective in society—a social force—or it is nothing."[38]

Bricker's studies at law school were delayed a year when, in 1918, he applied to enlist in officer training school, the Army, the Navy, and the Marines. All rejected him because of his abnormally slow heartbeat, just as he had been prohibited from playing for the Ohio State Buckeyes football team for the same reason.[39] Determined to serve in the Great War in some way, Bricker obtained a one-year special appointment from The Central Ohio Christian Church Conference to become an ordained minister. The one-year Reverend John W. Bricker then became the assistant chaplain of the 329th Infantry, which allowed Bricker to pursue his wartime goal of going to France.[40]

After returning to the U.S., and following the expiration of his minister license (never again to return to the clergy), Bricker finished his last year of law school, graduating in June 1920 and marrying Harriet Day on September 4 of that year. Bricker had already been admitted to the Ohio Bar before his graduation for having passed the state bar exam, but he chose to finish his legal education anyway. At age twenty-seven,

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[37] Davies, *Defender of the Old Guard*, 206.
[38] Quoted in Pauly, *Bricker of Ohio*, 36-37.
[39] Pauly, *Bricker of Ohio*, 31.
[40] Ibid., 39-42.

Bricker was equipped with a law degree and the ability to practice law in Ohio. The young Republican was even more determined to immerse himself in politics following the decisive victory of presidential candidate Warren G. Harding, an Ohio Republican, over James Cox in the 1920 presidential election.[41]

From City Solicitor to Attorney General, 1920-1937

Following his law school graduation, Bricker turned down a position in the United States Department of Justice to, instead, remain in his native Columbus and accept a junior position in the prominent firm of Postlewaite and Martin.[42] He and Harriet settled in the suburb of Grandview Heights. He then took up the position as city solicitor of Grandview Heights, which, at a salary of $300 per year, was "a lot of money," for a young lawyer, as Bricker described it himself.[43] In 1921, he and his friend, John Vorys, established the Theodore Roosevelt Republican Club, which was eclipsed a year later by the established Buckeye Republican Club of Columbus. In 1923, the organization elected Bricker as its president. Within three years of graduating from law school, Bricker had already established himself as a young, up-and-coming Republican in Columbus politics. In 1924, he was even selected as a delegate to the Republican National Convention in Cleveland, where he cast his vote proudly for Republican presidential nominee Calvin Coolidge.[44]

Just as Republicans dominated the presidency in the 1920s – the age of "normalcy," as President Harding characterized the decade – so, too, did Ohio politics

[41] Davies, *Defender of the Old Guard*, 14.
[42] Ibid., 15.
[43] John Bricker to Jack Kohr, August 20, 1954.
[44] Pauly, *Bricker of Ohio*, 57-59.

reflect conservative dominance at the end of the Progressive Era. In the 1920s, Ohio's governors served two-year terms. Though the caretaker Republican governor Harry L. Davis (1921-1923) was replaced by three consecutive terms of the Democratic governor Vic Donahey (1923-1929), the business community and business interests remained dominant in Ohio throughout the decade. Even with a majority of the decade under a Democratic governor, Republicans dominated the state legislature. It was there where the talented young lawyer from Cincinnati, later an Ohio Republican senator, Robert Taft, developed his reputation as a skilled legislative leader and the embodiment of conservative principles (soon to be dubbed "Mr. Republican"). Furthermore, the economy was comfortable for many. Though farmers across the country continued to battle falling prices (due mostly to the high demand of manufactured products, rather than agricultural ones, to rebuild European infrastructure after World War I), Ohio farmers were not as badly affected, given the state's more diverse agricultural economy. In this prosperous and more relaxed context, Bricker established a good track record. His work as the Grandview Heights city solicitor helped establish his reputation as a diligent attorney, particularly effective in matters of real estate and civil law. His enthusiasm for the Republican Party, evident in founding the Theodore Roosevelt Republican Club, made him popular among Columbus' Republican circles.[45]

After campaigning for the successful election of his friend, C.C. Crabbe, for Ohio attorney general in 1922, Bricker was appointed by Crabbe as legal counsel for the Public Utilities Commission of Ohio (PUCO). This position also carried the title of assistant attorney general, giving Bricker his first state government position by the start of

[45] Davies, *Defender of the Old Guard*, 15-16.

Crabbe's term in 1923.[46] PUCO, by that time, had become involved in trucking regulation, and Bricker dove into his work. During his three years as assistant attorney general, Bricker further proved his legal abilities and diligence by handling over two hundred cases before the United States District Court, the Interstate Commerce Commission, and even the United States Supreme Court. Given little precedent in the areas of utility companies at that time, Bricker's many victories for the state impressed his peers and identified him as a lawyer with a promising future. In his victories for both businesses and consumers, Bricker also identified himself as their prime advocate.[47]

Ironically, Bricker, who was instinctually conservative regarding regulation, supported progressive reforms for business and utility companies. Despite Republican prominence across Ohio in the 1920s, regulatory efforts that were introduced or implemented during the Progressive Era (before World War I) were mostly enacted or retained. Ohio's Democratic Governor, James M. Cox, (1913-1915, 1917-1921), oversaw reforms for the state such as municipal home rule, a direct primary system, and the regulation of conditions for workers – including restrictions and, eventually, the outlawing of child labor. PUCO was established to regulate the activities of transportation companies and privately owned utilities.[48]

Neither Bricker nor the state's most prominent Republicans ever seemed to attempt an elimination of these reforms, realizing that they had resulted from public discontent over working conditions and political corruption.[49] Bricker showed no quarrels with this increase in *state* regulation – albeit support for minimal regulation – to protect

[46] Ibid., 17.
[47] Ibid.
[48] Ibid., 17-18.
[49] Ibid., 18.

workers from harsh working conditions, monopolies, and large trusts. The alternatives were a complete absence of regulation, which would hurt consumers, or more government ownership of businesses and utilities. Neither were acceptable options for Bricker. "Unnecessary during the early period of expansion, regulation came to be required by the public during the period when railroads, following the policy of charging what the traffic would bear, became unreasonable. After the railroads, regulation came to be applied to many other businesses specifically charged with the public interest," Bricker told a group of Akron Shriners in 1930.[50] The public interest was at the heart of what, politically, was necessary for Bricker. Importantly, Bricker's litigation as assistant attorney general (and later as attorney general) on behalf of increased state regulation for the benefit of consumers suggests a moderately progressive economic stance by an instinctually conservative Ohioan – a contrast to what his language and actions would demonstrate while governor and, later, a U.S. senator.[51]

Yet the city of Columbus, lacking the industrial development of major cities in Ohio such as Cleveland, provided the setting that made minimal regulation possible. In the 1920s, Columbus was not a majorly developed city, serving mainly the commercial needs of central Ohio. The city lacked many large factories, which were important bastions of organized labor. Up to that point in his life, Bricker had not had any major interaction with organized labor in Mount Sterling or Columbus, and his daily associations – politically and socially – were with locals of the area who had experienced the same. The frequent speeches he heard at the Columbus Rotary Club (membership he

[50] "Shriners Will Hear Utilities Official," *Akron Beacon Journal* (Akron, OH), August 21, 1930, https://www.newspapers.com/image/228848050/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed December 18, 2020).
[51] Davies, *Defender of the Old Guard*, 18-19.

enjoyed from his thirties through the end of his life at age ninety-two) that praised the American Dream and free enterprise reinforced economic views that meshed well within the small milieu and not very industrialized towns, such as Columbus, but not always elsewhere, given changing working and social conditions. Minimal regulation of business seemed sufficient for good government in Bricker's view during the 1920s, and he seemed willing to go no further than this throughout his life. Such views later contrasted him in the public eye with his fellow Senator, Robert Taft, who moved less stiffly with the times. Taft was also from Cincinnati, a much bigger place at that time than Columbus.[52]

Attorney general Crabbe left his job in 1927, which created an opening for Bricker. To gain momentum for his 1928 campaign for attorney general, Bricker traveled across Ohio to give speeches to various groups. Bricker's speeches seem unoriginal in their content, but his effective speaking abilities enlivened his performances. They drew, as always, on conservative principles. A 1928 speech at the state convention of the Veterans of Foreign Wars reflects a commitment to limited government spending: "Cost of government is justified only that people may live more abundantly. When any government takes more in taxes than it gives in service in return, when it deprives citizens of more rights than it gives blessings in consideration…it fails in its purposes."[53]

In the spring of 1928, Bricker announced his candidacy for attorney general. His first statewide campaign speech was a standard brief against further government expansion – that is, beyond what was the minimally necessary amount of government

[52] Ibid., 19.
[53] John Bricker, text of speech to VFW, in *Ohio State Journal* (Columbus, OH), June 16, 1928, p. 16, quoted in Davies, *Defender of the Old Guard*, 21.

action to protect consumers from unfair business practices. He warned against "allowing the dead hand of paternalism" to "thwart" business development.[54] The Republican primary for attorney general that year had six candidates, and Bricker eventually lost out to Gilbert Bettman, an established attorney from Cincinnati.[55]

Bricker's warnings against big government were not enough for him to win. Even in his first radio address, he had warned against "organized minorities" of business interests and other organized groups. "Until today," he told listeners over Columbus radio station WAIU, "many leaders in public life have been elected by a miserable minority—too often a selfish minority." The result, to Bricker, would be "autocratic government" and a lack of any "sense of responsibility" among the citizenry.[56] Though this speech was apparently ineffective at garnering enough votes for Bricker in the primary, it does represent his unwavering commitment to limited government and personal responsibility – but also to making sure all citizens, and not just certain organized interests, participate in the political process. Bricker's language is also interesting because it made him seem not too conservative by warning against "big business." Despite Bettman's victory in the primary, Bricker made a respectable showing in the rural counties – a farming base that would support Bricker throughout his career. In Ohio's rural counties – which were most of the counties at that time – Bettman gained 122,660 votes to Bricker's 113,860.[57]

A loyal Republican, Bricker campaigned actively for Bettman, who won comfortably in 1928 along with Republican presidential nominee Herbert Hoover, who

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[54] Quoted in Pauly, *Bricker of Ohio*, 61.
[55] Davies, *Defender of the Old Guard*, 22.
[56] John Bricker, WAIU radio speech, WAIU radio, July 30, 1928, quoted in Davies, *Defender of the Old Guard*, 22.
[57] Davies, *Defender of the Old Guard*, 22.

carried eighty-six of the state's eighty-eight counties. Furthermore, the governorship swung back to the Republicans, as Myers Y. Cooper, a Cincinnatian, defeated Martin L. Davey. Governor Cooper soon appointed Bricker to PUCO in November 1929.[58]

In 1932 attorney general Bettman announced that he was running for the United States Senate. Bricker decided to run again for attorney general, but this time he ran unopposed in the Republican primary – an unusual occurrence for Republican politicians in Ohio during that time. Working against Bricker, however, was public resentment of the incumbent Republican president, Herbert Hoover, who appeared to be utterly incapable of handling the Great Depression, and that frustration spilled down the ranks to other Republican politicians. However, in addition to Bricker's favorable performance as assistant attorney general and as a member of the Public Utilities Commission, Bricker's handling of another important case in 1932 under PUCO gave him a boost that could help him survive the growing wave of anti-Hoover sentiment. During that election year, the Columbus Gas Company sought to raise its consumer rates from forty-eight cents per one thousand cubic feet to sixty-five cents. The increase was opposed by Columbus newspapers and the Columbus city government, seeing it as an additional burden on Ohioans in a time of financial crisis.[59]

The commission stalled on providing a ruling. Chairman E. J. Hopple, who had been appointed by Democratic governor George White, claimed that a considerable amount of time was needed to consider the large amounts of arguments and evidence presented by the gas company and various opponents of the rate increase. While some believed Hopple wanted to delay a decision until after the elections in November (so as to

[58] Ibid., 23.
[59] Ibid., 24.

not upset voters), the consequences of an early ruling could be a windfall for the commission's other two members – Bricker and Frank Geiger, who was running for the Ohio Supreme Court. As early as June 1932, Bricker made it clear to the papers that he was prepared to announce his decision, and he encouraged Hopple, the Democratic chair, to do the same.[60]

Perhaps sensing that his continued membership on an indecisive commission considering a hot political issue would hurt his campaign chances, Bricker, to the surprise of many, submitted a letter of resignation to Governor White in August. His reason was the inability to get Hopple to coordinate a meeting to vote on the gas rate case and that Bricker needed more free time to devote to his campaign. Bricker told White, "I am reluctantly convinced that there is nothing which I can personally do to hasten the determination of those important cases now pending and undecided."[61] Newspapers then reported that Governor White was searching for a replacement.[62]

However, the resignation fell flat. White refused it, making a public letter ordering Bricker to remain in his position because of the case's significance. White told Bricker that the gas rate case required a "paramount claim of your time" and that Bricker needed to finish his time in the position.[63] Bricker could not avoid the case, and he was

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[60] "Summit G.O.P. Leaders Return with New Plans," *Akron Beacon Journal*, August 9, 1932, https://www.newspapers.com/image/228654661/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed November 17, 2020); Davies, *Defender of the Old Guard*, 24.
[61] "His Desk Must be Cleared up, says Governor," *News-Messenger* (Fremont, OH), August 11, 1932, https://www.newspapers.com/image/304369860/?terms=John%20Bricker%20%22now%20pending%20and%20undecided%22&match=1 (accessed November 17, 2020).
[62] "Bricker Successor Sought by Governor," *Akron Beacon Journal*, August 9, 1932, https://www.newspapers.com/image/228654651/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed November 16, 2020); Davies, *Defender of the Old Guard*, 25.
[63] "Bricker Must Complete Work," *Dayton Daily News* (Dayton, OH), August 11, 1932, https://www.newspapers.com/image/400724345/?terms=John%20Bricker%20%22paramount%20claim%20of%20your%20time%22&match=1 (accessed November 18, 2020).

now faced with an important decision that could affect his campaign. The *Akron Beacon Journal* recognized the importance of the case on Bricker's campaign chances: "We hope Brother Bricker knows a windfall when he sees it."[64] The "windfall" had to do with how Bricker's decision would define him: would the textbook Republican be a defender of consumers – many now struggling under the Depression – or would he side with the powerful utility company?[65]

Almost nothing from Bricker's correspondence during that time reveals his thoughts on the decision. On October 3, 1932, the commission reached a decision. Hopple and Geiger settled on a compromise of a fifty-cent rate. As for Bricker, taking the strategy he had used as far back as high school when he advocated against the Seventeenth Amendment – to keep what seems to function just fine – he stuck to the original rate of forty-eight cents. Bricker found the original rate to be "reasonable, just, and lawful, and sufficient to yield a reasonable compensation for the service."[66] Bricker thus appeared as an advocate of consumers while bearing in mind the economic well-being of gas companies and their reasons for changing their rates.[67]

Bricker managed to keep a good image with the business community, reinforcing his commitment to the limited role both the state and (especially) the federal government should play in consumers' lives. He stuck to his textbook Republican statements: "The smaller the amount of government interference or domination, consistent with personal or property rights, the more prosperous is business and the greater the return to labor for

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[64] "Bricker's Opportunity," *Akron Beacon Journal*, August 12, 1932, https://www.newspapers.com/image/228654832/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed November 14, 2020).
[65] Davies, *Defender of the Old Guard*, 25.
[66] Public Utilities Commission of Ohio, "Journal," October 3, 1932, 721-22, quoted in Davies, *Defender of the Old Guard*, 26.
[67] Davies, *Defender of the Old Guard*, 26.

energy expended," he told the Ohio Dairy Products Association.[68] He also emphasized to an audience for Columbus McKinley Day his unwavering commitment to individualism, which he argued was a key factor in the development of the United States and should be maintained even in the most trying times of the Depression. He even applied strict Republican principles to the current Republican president, Herbert Hoover, in 1932 when warning to an Akron convention of the American Legion that the rising cost of government under the Hoover administration was getting too high. "We are born to live, not to be governed. Our property is protected primarily that we may enjoy and prosper in its use, and not for taxation. Business is conducted that you and I may enjoy its products and benefits and not for the purpose of imposing burdensome governmental regulations."[69] Though Bricker benefitted from his stance on the gas rate case, his reasons for doing so were still grounded in his Republican outlook going back to his youth – an outlook of efficient and limited government, with most of life's burdens taken up by the individual – rather than a commitment to enlarged government to intervene in the economy for individuals' needs and prosperity. He showed no sign of changing those principles.[70]

Bricker's final months on the 1932 campaign trail allowed him to keep stressing his principles of honest and efficient government to his Republican audiences.[71] Though his speeches contained little content that was intellectually noteworthy, his energetic

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[68] "Dairy Conclave Opens in Akron; 500 are Present," *Akron Beacon Journal*, January 26, 1932, https://www.newspapers.com/image/228737025/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed November 15, 2020).
[69] "John W. Bricker to Address Club," *Akron Beacon Journal*, February 3, 1932, https://www.newspapers.com/image/228737229/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed November 29, 2020).
[70] Davies, *Defender of the Old Guard*, 26-27.
[71] Ibid., 27.

speaking style won him friends and support. In the Midwestern style, he spoke plainly and rather informally, and he was folksy. Still tall and slender, his now-graying hair (having replaced what was once all jet-black) gave him the look of a traditional and attractive politician. With his wife, Harriet, and their son, Jack, by his side, he gave the impression of an able Republican who was committed to family values, honesty, sobriety, individualism, and religious faith.[72] In other words, he managed to carry on Hoover's principles without suffering from the president's frustratingly low popularity.

On election night in 1932, Bricker's Democratic opponent for attorney general, Herbert Duffey, took an early lead and maintained it until the morning. The Democratic wave brought on by Franklin D. Roosevelt, running against the incumbent Hoover for president, did little to help Bricker's hopes that evening. However, the late gains in Ohio's rural areas and in traditionally Republican Hamilton County, which included Cincinnati, gave Bricker a substantial boost. By the next morning, he had defeated Duffey by 10,008 votes out of more than two million cast.[73] Despite the small margin of victory, Bricker had survived an incoming Democratic tide – only two other Republican candidates for statewide office were able to claim the same that year (Joseph Tracy for state auditor and Harry Day for treasurer, both less prestigious state positions). Roosevelt won Ohio by 75,000 votes. For the first time in two decades, Democrats controlled both houses of the Ohio legislature. The Republican Party had suffered its biggest lost in Ohio since the Civil War. Yet Bricker's narrow election victory turned many eyes toward him, creating chatter that he might run for governor in 1934.[74]

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[72] Ibid.
[73] Ibid., 28.
[74] Ibid.

Bricker entered office as attorney general with a more increased workload than might otherwise have been the case. The Great Depression had led to the establishment of new state programs to help financially troubled Ohioans. Following the ratification of the Twenty First Amendment in December 1933, which repealed the Eighteenth Amendment and lifted the nationwide prohibition on alcohol, a state retail liquor monopoly soon emerged in Ohio, adding to Bricker's workload. During his time as attorney general from 1933 to 1937, Bricker issued a staggering 6,645 formal legal opinions. Lawyers in his office tried 3,913 cases in state and federal courts during those four years.[75] Besides providing legal services for the branches of the state government, the attorney general was also tasked with helping reorganize hundreds of collapsed banks. Bricker was aware that his performance as attorney general would considerably affect his chances of being elected governor. His chances grew when the Ohio Supreme Court affirmed the forty-eight-cent gas rate by overturning the fifty-five-cent rate established by the Public Utilities Commission.[76]

As attorney general, Bricker did not show signs of abandoning his commitment to efficient and limited government that he had emphasized so clearly on the campaign trail and as a member of PUCO. Yet some of his most important actions reflected his belief that Ohio's constitution permitted expanded state programs to lessen the hardships caused by the Depression. Such actions are important because they suggest not only a practical Bricker, but a politically moderate one – a politician committed to small government but willing to expand its role in times of hardship. (However, as will be seen, this applies to *state* government; Bricker remained fervently against the expansion of the federal

[75] Pauly, *Bricker of Ohio*, 81.
[76] Davies, *Defender of the Old Guard*, 29.

government for social and financial aid under the New Deal.) This approach resembled the "Modern Republicanism" that emerged under the Eisenhower presidency but as a state analogue. On April 3, 1933, just a few months into the attorney general position, Bricker issued a statement declaring that the State of Ohio could use profits from liquor sales to fund a pension system for the elderly.[77] (Despite this stance, Bricker never supported Social Security under the New Deal.) Following his suggestion that a state unemployment insurance program could be established under Ohio's constitution, the Ohio legislature passed such a program in 1936.[78]

The previous year, the Ohio legislature had also passed a minimum wage law for employed women and children. When the New York state legislature had passed a nearly identical law, allowing wages to be fixed by the state, the highest state court in New York ruled the law unconstitutional. In 1936, the United States Supreme Court, in a 5-4 decision (rejected by the national conventions of both political parties that year), affirmed the unconstitutionality of the minimum wage law in the case of Morehead v. New York ex. rel. Tipaldo.[79] Bricker had submitted an *amicus curiae* brief in Morehead to support the minimum wage law. Justice Pierce Butler, writing for the majority in Morehead, maintained that the right to contract for wages in labor "is part of the liberty protected by the due process clause [of the Fourteenth Amendment]." This followed the Court's pattern of upholding laissez-faire constitutionalism going back several decades to Allgeyer v. Louisiana (1897), where the Court had established that the Fourteenth

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[77] "Reelect John W. Bricker," *Akron Beacon Journal*, October 10, 1934, https://www.newspapers.com/image/228649018/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed November 20, 2020). The editorial praised Bricker because his actions "cleared the way for legislative action" regarding a pension system; Davies, *Defender of the Old Guard*, 30.
[78] Pauly, *Bricker of Ohio*, 73.
[79] Morehead v. New York ex. rel. Tipaldo, 298 U.S. 587 (1936).

Amendment's due process clause established the liberty to contract, or the ability to make whatever arrangements one wanted with an employer, without the government's interference.[80] Having stepped markedly out of line with public opinion on minimum wage laws during the Depression, the Court reversed itself a year later in West Coast Hotel Company v. Parrish (1937), another 5-4 decision.[81] Despite the Supreme Court's quick reversals, Bricker remained committed to the constitutionality of minimum wage laws at the state level, and Ohio's minimum wage law was passed in 1937 shortly before he left his position as attorney general.[82]

Bricker's efforts to establish a minimum wage law for women and children, along with the old-age pension system, reflected more than simply opportunistic efforts to appeal to voters in hard times. He thought of such state aid as not only constitutional but morally required. Bricker did not shy away from the political consequences of doing what he felt was right. To a reporter from the *Cincinnati Post*, he said, "I may have to go back to Mt. Sterling but I won't do it with the exploitation of women and children on my conscience if I can prevent it."[83] In other settings, he called the minimum wage law a "reasonable and valid exercise of the police power of a state" to protect women and children from "oppressive and unfair wages."[84] (In the Depression, as unemployment reached record-high levels of twenty-five percent, wages had fallen sharply.) Such language about low wages is the strongest Bricker ever used, according to existing records, when referring to a state's justification for helping its citizens under times of

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[80] Allgeyer v. Louisiana, 165 U.S. 578 (1897).
[81] West Coast Hotel Company v. Parrish, 300 U.S. 379 (1937).
[82] Davies, *Defender of the Old Guard*, 30.
[83] Dick Thornburg (editor of the *Cincinnati Post* in 1936) to Richard O. Davies, July 7, 1967.
[84] "Ohio Wage Law Defended by Bricker," *Cincinnati Enquirer* (Cincinnati, OH), March 28, 1936, https://cincinnati.newspapers.com/image/103160095/?terms=John%20Bricker&match=1 (accessed December 1, 2020).

hardship. It is consistent with his decision in the gas rate case regarding his mindfulness of the effects of higher prices on consumers.[85]

Such language is also consistent with Bricker's pattern, up to this point in his political career, of expanding *state* government when it was needed. Bricker did not rely on the federal government for any of the programs he proposed, especially as he became more frustrated by what he saw as an ever-growing, unnecessarily large, and dangerous federal bureaucracy under the New Deal. Just as he spoke of "oppressive and unfair wages" to justify state intervention in the mid-1930s, he later used strong language to condemn federal government enlargement to provide similar aid. By 1946, at a speech on the campaign trail for his election to the U.S. Senate, Bricker was calling the New Deal "so contradictory, and so expensive that it has become a dangerous monstrosity."[86] (One might say the New Deal, in Bricker's view, had failed the test he proposed in his speech to the Ohio chapter of Veterans of Foreign Wars in 1928, where he claimed that government is no longer justified when it "takes more in taxes than it gives in service in return." To Bricker, a committed small-government conservative, the New Deal's "dangerous monstrosity" outweighed the importance of the services it provided).[87]

Bricker went farther still in his commitment to fair wages for women and children. He continued to present himself as being on the side of the worker, writing about the "unscrupulous employers" who had to be stopped from exploiting workers. In 1936, he also announced that his office's investigation of the Ohio dry cleaning industry showed that employed women and minors received wages lower than the amount given

[85] Davies, *Defender of the Old Guard*, 30.
[86] Quoted in Davies, *Defender of the Old Guard*, 111.
[87] Ibid., 21.

to the unemployed by public relief agencies.[88] After the decision in Morehead by the United States Supreme Court in 1936 to strike down New York's minimum wage law, Bricker had feared that Ohio's law might meet the same fate. At the Ohio Republican convention in 1936 (the same year that the Republican and Democratic National Conventions denounced the Morehead decision), Bricker declared, "If the present minimum wage laws of the states are declared unconstitutional I would favor *an amendment to the Constitution of the United States* which will permit the several states to enact such minimum wage laws" (emphasis added).[89]

1936 was the culminating year of Bricker's progressive stride in his entire political career – going so far as to favor a constitutional amendment for a minimum wage law at the *state* level. Building off his progress from the previous year with the Ohio legislature, he took his efforts all the way to the United States Supreme Court, arguing a successful case there which, yet again, brought him out on the side of the Ohio consumer. In Whitfield v. State of Ohio, the Supreme Court held that items produced in state or federal prisons could not be sold in Ohio in competition with products made by Ohio wage earners.[90] In 1936 the legislature passed a bill that enhanced regulatory powers of the State Insurance Division to increase regulation of insurance companies. Furthermore, the Ohio civil service could not require job applicants to supply a photograph of themselves or state their race, lest that lead to racially discriminatory screening of job applicants.[91] Bricker's office cut expenses by a greater amount each year

[88] Ibid., 30.
[89] Bricker, Speech before the Ohio Republican Convention, July 1, 1936; Davies, *Defender of the Old Guard*, 30-31.
[90] Whitfield v. State of Ohio, 297 U.S. 431 (1936); Davies, *Defender of the Old Guard*, 31.
[91] Pauly, *Bricker of Ohio*, 70-78.

he was attorney general, and his office maintained a very busy schedule. When he first announced his candidacy for governor in 1936, Bricker reported that his office had, in just two years, cut its costs by $35,000 per year and had returned over $45,000 to the state treasury in unspent funds.[92] Bricker had produced an image of himself as a careful spender, an efficient lawyer, and a politician who worked on behalf of beleaguered consumers during financial hardship and crisis.[93]

Yet Bricker's progressive side only went so far. He remained instinctually conservative in the area of Ohioans' civil liberties. During his time as attorney general, he concluded that Ohio public school boards could require students to swear allegiance to the American flag and salute it. Furthermore, he believed that a school board could expel students who did not comply. Bricker's justification was that such requirements did not infringe upon the First Amendment's protections against the freedom of religion, in response to the fact that Jehovah's Witnesses rejected flag salutes on religious grounds. "There is no religious connotation in saluting the American flag. Loyalty to the flag and to the government that it represents strengthens and never weakens one's religious convictions."[94]

Never one to have forgotten his political dream of attaining the governorship, Bricker launched his campaign for governor in 1936. He had thought about running for governor in 1934, but he had instead declined and sought another term as attorney general (in the 1930s, Ohio's governors and attorneys general served two-year terms). He based his decision to do so on the important legal matters his office was handling at that

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[92] Ibid., 71.
[93] Davies, *Defender of the Old Guard*, 31-32.
[94] Quoted in Pauly, *Bricker of Ohio*, 75; Davies, *Defender of the Old Guard*, 31.

time: "After giving this matter [Bricker's gubernatorial candidacy] very careful consideration, I feel it is my duty to be a candidate for reelection [as attorney general] so that I may carry on to completion much important litigation which is now pending in the various courts of the state and nation."[95] His reelection platform was straightforward: he would stand on his record. Bricker's reelection as attorney general in 1934 was one of the Ohio Republicans' only moments of light and hope in an election that was otherwise a landslide for Democrats. Martin Davey, an Ohio Democrat who had served in the U.S. House of Representatives from 1918 to 1921, won the governorship by 165,000 votes to become Ohio's fifty-third governor that year. The incumbent Republican U.S. Senator Simeon Fess was defeated by Democrat Vic Donahey, who had served as Ohio governor from 1923 to 1929.[96] Bricker emerged as the state's Republican who was most likely to win back the governorship for the Grand Old Party – and perhaps, soon, the presidency.[97]

As was noted, Bricker's second term as attorney general gave him the image of a cautious progressive in the Ohio Republican Party – and, above all, a Republican firmly committed to his party. Yet just as Bricker won political battles for state programs involving old-age pension, unemployment benefits, and protecting workers' products from outside competition, he also began to show his antipathy for the New Deal. Whatever beliefs Bricker had about the constitutionality and moral legitimacy of state programs in times of hardship, these did not grant any legitimacy, in his view, to the expansion of the *federal* government.

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[95] "Renomination is Sought," *Cincinnati Enquirer*, April 28, 1934, https://www.newspapers.com/image/103406514/?terms=John%20Bricker&match=1 (accessed December 2, 2020).
[96] Davies, *Defender of the Old Guard*, 32.
[97] Ibid.

By the mid-1930s – still early on in the New Deal – Bricker had no kind words to spare for Roosevelt's initiatives or even the President himself. Roosevelt was a "ruthless leader" who appeared as a "man on horseback," he said. Bricker characterized the New Deal as the "present orgy of spending," which was "a burden rather than a blessing."[98] Bricker's reasons for his strong opposition to the New Deal stemmed from his commitments to limited government, federalism, and spirited individualism, all of which he believed had characterized the nation since its founding. New Deal bureaucrats, he told a Kiwanis Club audience, were "greedy of more power" (Bricker spoke of bureaucrats in vague, enemy-like terms and did not specify any bureaucrat in particular), restraining the spirit of individualism with high taxes.[99] That "present orgy of spending" threatened to "reduce the citizens under a strong, domineering government. This type of government is exactly the type from which our forefathers fled."[100] Thus, the New Deal signaled a road to tyranny.[101]

Central to Bricker's concerns from his comments in 1935 is his understanding of the proper scope of government as it relates to individual enterprise. This is consistent with his actions to expand state programs, which he saw as benefiting the consumer in various ways – even if that entailed an expansion of the state government's responsibilities in unusual times. Exercising the state's responsibilities in hard times was consistent with federalism, a reason why Bricker saw no issue with state emergency powers. Bricker's emphasis on high taxes and a loose connection between them and the

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[98] "Bricker Warns of Tax 'Greed'," *Akron Beacon Journal*, September 26, 1935, https://www.newspapers.com/image/228859250/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed December 7, 2020).
[99] Ibid.
[100] Ibid.
[101] Davies, *Defender of the Old Guard*, 33.

American Revolution also suggests his fear of state action at the expense of the average citizen. This is consistent with his decision in the gas rate case, sticking to the lowest tax rate because it was "reasonable, just, and lawful, and sufficient to yield a reasonable compensation for the service," regardless of any economic or political consequences of keeping that low rate. Bricker's idea of administering good government seemed to adopt the "if it ain't broke, don't fix it" approach, which complemented his predisposition not to expand the federal government's power. Yet again, the New Deal – but not Bricker's own state programs, in his view – failed to pass Bricker's litmus test for government programs that he articulated in 1928: "Cost of government is justified only that people may live more abundantly. When any government takes more in taxes than it gives in service in return, when it deprives citizens of more rights than it gives blessings in consideration…it fails in its purposes." High taxes by the federal government, which failed to reap any immediate, positive results, were sufficient, in Bricker's view, for concluding that the New Deal took away more than it gave.[102]

Becoming Governor

Bricker's gubernatorial opponent in 1936 was the incumbent Democrat Martin Davey, who had won in 1934 as part of the high tide of enthusiasm for Democrats both in Ohio and across the country. By 1936, Davey had proven himself to be a controversial political figure, having brought on charges against his administration for blackmail.[103] Davey had also had a falling out with the Roosevelt administration over the

[102] Ibid., 30-33.
[103] Davies, *Defender of the Old Guard*, 33.

administration of federal relief in Ohio.[104] Roosevelt did not endorse Davey for reelection in 1936. In his falling out with the Roosevelt administration, the *Akron Beacon Journal* called Davey a "tragic failure."[105]

Davey appeared to be a political opponent ripe for defeat, yet Bricker's clumsy entrance into the gubernatorial race was not the most promising start for Republicans either. At a crowd of five-hundred Republicans in Springfield, Ohio, on December 4, 1935, Bricker announced his candidacy without any coordination from his office. "The Republican Party is marching to victory in this nation. The harmony and enthusiasm here tonight is indicative of that which exists throughout the country. From my district in Ohio I have received unsolicited support should I decide to become a candidate for Governor. Many individuals have written me personally in the same spirit. There is no reason for delay." Finally, Bricker declared: "I am a candidate for governor of Ohio next year."[106] Bricker's staff did not have a press release prepared for the sudden announcement.[107]

Despite this amateur error, Bricker coasted to victory in the Republican primary, partly aided by anti-Davey Democrats. The man Bricker had defeated twice for attorney general, Herbert Duffey, made his stance clear regarding Davey: "Nothing would bring me more personal pride than contributing to the defeat of the present incumbent in the

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[104] Arthur M. Schlesinger, Jr., *The Age of Roosevelt: The Politics of Upheaval* (Boston: Houghton Mifflin, 1960), 354.
[105] "No More Comic Opera," *Akron Beacon Journal*, October 21, 1936, https://www.newspapers.com/image/228709179/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed December 8, 2020); Davies, *Defender of the Old Guard*, 33-34.
[106] "John Bricker Announces for Ohio Governor," *Telegraph-Forum* (Bucyrus, OH), December 5, 1935, https://www.newspapers.com/image/601426321/?terms=John%20Bricker%20%22I%20am%20a%20candidate%20for%20governor%22&match=1 (accessed December 18, 2020).
[107] Davies, *Defender of the Old Guard*, 34.

Governor's chair, who has, by his inefficiency and inability, wrecked the state government."[108]

Bricker gladly repeated the claims and jokes of the anti-Davey Democrats. In an appeal for bipartisan support at the state Republican National Convention on July 1, 1936, Bricker praised past Democratic governors of Ohio. The theme of Bricker's speech was honest government. The four Democratic governors he discussed positively were Judson Harmon (1909-1913), James Cox (1917-1921), Vic Donahey (1923-1929), and George White (1931-1935) – all of whom, Bricker claimed, had "honored their state and party" while in office (Vic Donahey had been elected as a Democratic U.S. senator from Ohio in 1934, serving one term). In praising these past governors, Bricker called on Democrats (and Republicans) who "believe in honesty and sincere public service and who will not compromise with pettiness and dishonesty."[109] Just as Bricker's character had never been questioned, his appeal to Democratic support also appealed to the idea of good character in politics by rejecting what he perceived as pettiness and dishonesty.[110]

Bricker's central theme, true to his Republican principles, was an "honest administration" and to eradicate the "perpetuation of the present greedy, carpet-bag administration."[111] Bricker warned against the "Davey machine," which, despite Davey's

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[108] "What Prominent Democrats Have Said About Martin L. Davey's Administration," *News-Messenger*, November 2, 1940, https://www.newspapers.com/image/304231429/?terms=Herbert%20Duffey%20%22wrecked%20the%20state%20government%22&match=1 (accessed December 8, 2020).

[109] John Bricker, Speech before the Ohio Republican Convention, July 1, 1936.

[110] Davies, *Defender of the Old Guard*, 35-36.

[111] "The Columbus 'Shakedown'," *Akron Beacon Journal*, September 11, 1936, https://www.newspapers.com/image/228733861/?terms=John%20Bricker&match=1 (accessed January 2, 2021). It is not clear whether Bricker used the "carpetbagger" reference to paint Davey as a greedy opportunist or to associate Davey with the Northern politicians who moved to the South during the Reconstruction Era for profit – or both. Elderly Ohioans in the 1930s would have likely understood the Reconstruction reference. Either way, Bricker's intention to voice common accusations against Davey for greed or financial mishandlings seems clear.

unpopularity, meant that Davey's campaign was not a forgone defeat. Despite Bricker's ability to capitalize on anti-Davey sentiment, Bricker faced the issue of not having a detailed platform of what he would do differently (besides administering "honest government"). Davey claimed that "nobody in Ohio knows what Mr. Bricker stands for or what he is against. I don't think he does himself."[112] To help his campaign, Bricker then proposed several things he would do if elected. These included harping on what had been passed while Bricker was attorney general – the continuation of the old-age pension program, the state minimum wage – and staples of Republican government: no new taxes and balancing the state's budget (Bricker entered the governorship with a $20-million deficit from Davey but left his third term with a $75-million surplus).[113]

Important to note, however, is that Bricker maintained his moderately progressive views of government in the 1936 campaign; accusations of Davey as a communist do not appear, either. Other stands in response to Davey's criticism included an expansion of highway construction under the state government, expanding funding for all levels of education in Ohio, increased regulation of public utilities, and reorganization of the state's unemployment program. Additionally, Bricker expanded on the attacks against Davey for political corruption in the state's liquor department by proposing greater regulation for that department. Bricker's platform gave the impression that he was efficient and stringent with the purse – but still a politician in touch with the needs of Ohioans living through the Great Depression. Though not appearing as an intellectual

[112] Martin L. Davey, comment, in *Ohio State Journal*, September 11, 1936, p. 1, quoted in Davies, *Defender of the Old Guard*, 36.
[113] Davies, *Defender of the Old Guard*, 48.

heavyweight, Bricker maintained a campaign in which his integrity and character were never questionable.[114]

As November drew closer, Bricker's attacks sharpened. Bricker disdained Davey as he did the New Deal, though Bricker did not seem to connect Davey with the New Deal or Roosevelt (Bricker's enemy of centralized government and power). The election results in 1936 likely felt nauseating to Ohio Republicans. Despite Davey's rifts with the president, Davey knew how to still hold on to his chances. Roosevelt did not endorse Davey for reelection. However, Davey drove home the straight-ticket option, urging voters to elect Democrats down the ticket in Ohio. This was to ensure that there was "no chance of Roosevelt being defeated," though that also, in Davey's hopes, entailed his own political survival as well.[115] Ohio voters did deliver for the Democratic slate. Roosevelt won the state by 619,285 votes out of 2.5 million votes cast, which was more than 500,000 voters greater than his 1932 margin in the state.[116]

With it, to Bricker's disappointment, came a Davey reelection. Despite considerable anti-Davey sentiment within the Ohio Democratic Party, Ohio voters had voted a straight ticket in sufficient margins to carry Davey to victory. Though not anywhere near Roosevelt's 1936 margin, Davey beat Bricker by 126,688 votes.[117] Despite Davey's unpopularity in his own party, Ohio voters seemed to have endorsed the Democratic Party generally that year and its New Deal programs. However, the results were not entirely bleak for Bricker. Nowhere in Ohio did Davey perform better than Roosevelt; Bricker even carried Cuyahoga County, a Democratic stronghold that

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[114] Ibid., 36.
[115] Quoted in Pauly, *Bricker of Ohio*, 80.
[116] Davies, *Defender of the Old Guard*, 38.
[117] Ibid., 38.

included Cleveland, by 13,500 votes. Additionally, in no county did Bricker perform worse than the 1936 Republican presidential nominee, Alf Landon. Like his first defeat at running for attorney general, Bricker had performed in a way that kept Republicans' hopes alive. The *Cleveland Plain Dealer* summed up the implications: "John Bricker was defeated, but the run he made was more notable than most victories are."[118] The *Akron Beacon Journal* also recorded Bricker's brief and formal concession to Davey: "It is apparent from the returns that you have been reelected—permit me to wish you every success during your second term."[119]

Given that Ohio governors served two-year terms at that time, another run at governor was not far off for Bricker. By that point, he had become a well-known politician in the state and especially admired in Republican circles. In January 1937, Bricker handed over his duties as attorney general to Democrat Herbert Duffey, his former opponent for that post. With an unquestionable character and commitment to Republican values, including his firm opposition to the New Deal, Bricker remained a Republican favorite. His performance in the attorney general position depicted him as a moderate conservative who was in touch with the needs of Ohioans. It also showed that he was a very frugal politician, which his opposition to the New Deal illustrated. He appealed to women voters, as well, for his work as attorney general in protecting the minimum wage, and women and children in the employment market. Furthermore, businesses had not forgotten his independent position in the gas rate case. "John W.

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[118] Quoted in Davies, *Defender of the Old Guard*, 39.
[119] "Leads Mount Steadily as Voters Speak," *News-Messenger*, November 4, 1936, https://www.newspapers.com/image/302832533/?terms=John%20Bricker%20%22It%20is%20apparent%20from%20the%20returns%20%22&match=1 (accessed December 14, 2020); Davies, *Defender of the Old Guard*, 37-38.

Bricker retired from…office this week with a record of achievement which inspires both the admiration and gratitude of every class of the citizenship," said the *Akron Beacon Journal* in early 1937.[120]

During his return to private life, Bricker was elected the president of the Columbus Bar Association. He returned to practicing law, focusing on public utilities cases like he had during his time as attorney general. When 1938 rolled around, Bricker faced no Republican opposition for the gubernatorial race. This time, however, he did not announce his campaign without proper preparation for the press. For his second run, Bricker did not announce his candidacy until March 1938, five months before the primary. His chances were aided by Democratic infighting. Davey's second term continued his uncanny streak of creating political controversies. A group of Ohio Democrats formed and rallied behind Charles Sawyer, a Cincinnati attorney who leaned towards the conservative side of the Ohio Democratic Party. In 1937, Sawyer was serving as a Democratic national committeeman from Ohio. In January 1938, he announced his candidacy to challenge the Davey administration.[121]

Ohio Democrats faced the issue of in-party fighting as Sawyer and Davey waged political war on one another. In the Democratic primary, Sawyer did manage a victory over Davey by 25,000 votes out of nearly 900,000 cast. The small victory relieved some anti-Davey Democrats, but it revealed the unpromising division within the state's party.[122] The 1938 gubernatorial race was now between Bricker and Sawyer. The state

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[120] "Good Work, Mr. Bricker!", *Akron Beacon Journal*, January 13, 1937, https://www.newspapers.com/image/228863025/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed December 13, 2020); Davies, *Defender of the Old Guard*, 39-40.
[121] Davies, *Defender of the Old Guard*, 40-41.
[122] Eugene H. Roseboom and Francis P. Weisenburger, *A History of Ohio* (Columbus: Ohio Historical Society, 1964), 370.

also enjoyed an intense race for the U.S. Senate, as Republican Robert A. Taft, son of President William Howard Taft, ran against incumbent Democrat Robert J. Bulkley. The gubernatorial race, however, lacked some of the excitement of the senatorial race. Both Sawyer and Bricker had unquestionable reputations, and both spoke often from general political principles. Both promised to return integrity to state government. Sawyer's primary victory complicated Bricker's campaign, since Bricker no longer had a clear target for charges of corruption. However, Bricker was aided by Davey's refusal to endorse Sawyer, further dividing the state Democratic Party.[123]

Searching for an issue to use against Sawyer, Bricker turned to organized labor. Up to that point, Bricker's moderate position had avoided the topic. However, his strong language against organized labor was a sharp change, the first step in creating an image of a hardened conservative. Interestingly, Bricker did not discuss labor privately or publicly as a political issue before the 1938 campaign. When he was attorney general, Bricker's legislative efforts had focused on protecting women, children, and the elderly. Furthermore, Bricker had proudly projected an image of a frugal politician, an economy in government that was "always a potent appeal to Ohio voters," especially in the Republican strongholds of small towns and rural areas.[124] Bricker did proclaim himself to "have always been a friend of organized labor" in a radio address on September 5, 1938, during his gubernatorial campaign.[125] However, the nature of labor strikes was changing in the mid-1930s. Bricker seemed to have in mind an older image of labor under the American Federation of Labor, which had been founded in Columbus by Samuel

[123] Davies, *Defender of the Old Guard*, 40-41.
[124] George W. Knepper, *Ohio and Its People* (Kent: Kent State University Press, 2003), 362.
[125] John Bricker, WBNS News Radio, Columbus, OH: WBNS, September 5, 1938.

Gompers, a cigar maker, in 1886. Raymond Boryczka and Lorin Lee Cary note that "Regardless of the industry in which they toiled…Ohio workers in manufacturing came to share certain similarities in their jobs. Not until the 1930s would that commonality form a sufficiently strong base for trade unionism in the mass-production industries."[126] Bricker was born and raised in the state that had produced the AFL in 1886, which was successful because it organized dissidents of the Knights of Labor (founded in 1869). The Knights of Labor had alienated independent trade unions in its effort to unite all workers in one large union. In being a co-native with the AFL, Bricker could have legitimately called himself a "friend of organized labor." However, Bricker grew up in Mount Sterling, a conservative and rural town where labor did not enjoy influence in small-town farm life. Gompers and the AFL recognized the importance of creating a trade union for skilled workers in each craft, such as carpenters, typographers, and miners, that were coordinated in a federation – conditions in bigger cities that Bricker did not experience.[127]

Columbus in the 1920s, where Bricker attended college, was not the large metropolis it is today. By 1930, it was only Ohio's fourth largest city by population (approximately 291,000 residents).[128] Columbus' "comparative inaccessibility and relatively stunted industrial revolution," in comparison to cities by Lake Erie, left it free of "ethnic conflict" while "fostering a conservative sociopolitical character largely bereft of the dynamism and disorder of…labor activism."[129] Even after World War II,

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[126] Raymond Boryczka and Lorin Lee Cary, *No Strength Without Union: An Illustrated History of Ohio Workers, 1803-1980* (Columbus: Ohio Historical Society, 1982), 107.
[127] Davies, *Defender of the Old Guard,* 41-44; Knepper, *Ohio and Its People,* 362.
[128] Andrew Jonas, "Local Interests and State Territorial Structures: Integration and Fragmentation in Metropolitan Columbus in the Post-War Period," Ph.D. diss. (The Ohio State University, 1989), 105.
[129] Gregory S. Jacobs, *Getting Around Brown: Desegregation, Development, and the Columbus Public Schools* (Columbus: Ohio State University Press, 1998), 68; Henry L. Hunker, *Industrial Evolution of Columbus, Ohio* (Columbus: Ohio State University Bureau of Business Research, 1958), 41.

Columbus enjoyed little industrialization compared to its counterpart, Cleveland. In short, Bricker was confronted with a new aspect of organized labor in the late 1930s that was unlike anything he had experienced in his upbringing or professional career. The AFL's actions through the early twentieth century were generally cautious. Demands from Ohio laborers under the Great Depression, however, were less so. Bricker, already an enemy of the New Deal, denounced the Wagner Act of 1935 for siding with labor: "I do not believe that any labor union has the right to compel any worker to join against his will, any more than an employer has a right to prevent his joining if he so desires."[130]

The developments in labor unions and strikes throughout the 1930s, which demanded more than before and not always in the traditionally cautious ways, do provide some context for Bricker's sudden attacks. Bricker's hometown and strongest Republican bases in the state were rural areas and small towns, where organized labor had exercised little influence and did not align with traditional farm work. Labor demands called for protections and conditions that seemed unnecessary or "were not based on legitimate grievances," in the views of rural Ohioans, usually relating to working conditions in factories that did not resemble conditions in more rural settings.[131] For Bricker, labor's increased demands in the 1930s were out of step with the protection of businesses and individual autonomy in politics and economic activity. Bricker's claims that "labor has the right to bargain collectively…the right to choose its own representatives for bargaining purposes…and the right to peaceful picketing" – and no more – reflect an understanding of an earlier era with more compliant actions.[132]

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[130] Radio Address, September 5, 1938; Davies, *Defender of the Old Guard*, 42-43.
[131] Ellen Schrecker and Phillip Deery, *The Age of McCarthyism: A Brief History with Documents*, 3rd edition (New York: Bedford St. Martins, 2017), 10.
[132] Davies, *Defender of the Old Guard*, 42-43.

The labor strikes in 1936-37 in Youngstown, Akron, and Warren for higher wages, however, had attracted national attention and had even turned violent. Goodyear workers shut down production lines and sat at their workstations. Bricker deplored such a technique, stating plainly that "Sit-down strikes are illegal and must not be tolerated." Unruly labor demands gained no respect from Bricker, who said that "Neither gangsters nor labor racketeers will dictate to me when I am governor of Ohio." Furthermore, disruptive labor strikes violated corporate autonomy, always important to Bricker – that is, the ability for businesses to conduct their affairs with minimal disruption. "I will be governor of all the people," stated Bricker on the campaign trail. "I will not permit a dispute between management and labor to result in terrorism or in the collapse of civil authority."[133]

Bricker had already entered dangerous political territory by making an enemy out of unions and organized labor. His public comments on labor suggest not an antipathy toward labor itself, but rather a reaction against the boundaries – ideas that were instinctual to Bricker, such as business autonomy, limited government, and civil society – unions were crossing with their increased demands and militant actions. If he yielded to labor's demands, Bricker would be allowing organized labor to have more of a say in the workplace and the state. Increasing the scope of state government was not anathema to him. However, his antipathy towards labor – and later, communism – reflects his association of those things with a federal government that was increasing in size much beyond his liking.

[133] Quoted in Pauly, *Bricker of Ohio*, 88; Davies, *Defender of the Old Guard*, 42-43.

Indeed, Bricker's anti-labor comments increased when the CIO endorsed Sawyer. The CIO had opposed Davey in the Democratic primary because he had called state troops to stop what he called the "Little Steel" strike throughout blue-collar areas in northeast Ohio in 1937.[134] Following its endorsement of Sawyer, the CIO and the Non-Partisan league, labor's political organization, gave Bricker an unfavorable rating. Bricker seized upon the CIO's support for Sawyer, adding to the anti-labor comments already noted. "If elected, what will Charles Sayer give to the CIO, besides his sincere thanks for their support? What promises has he made to obtain their aid?"[135] By suggesting that Bricker would take no favors from the CIO, he was cementing his image as its enemy.[136]

Communism and the 1938 Gubernatorial Campaign

Until mid-1938, Bricker had not publicly mentioned communism. The New Deal and President Roosevelt had figured into his political distastes, though he had steered clear of redbaiting. Here enters the first part of the crucial transition this paper explores – Bricker's increasing anti-communist language, which moved him considerably to the Right from his moderate position within the Republican Party that he had established as Ohio's attorney general. The timeline of events in the last months of the 1938 gubernatorial election show that Bricker did not throw the first verbal punch. However, his comments against labor in his radio speech on September 5, 1938, likely aroused opposition from the Left. On September 10, just five days after Bricker's radio speech in

[134] Pauly, *Bricker of Ohio*, 87.
[135] Radio Address, September 5, 1938.
[136] Davies, *Defender of the Old Guard*, 43-45.

which he claimed that he was a friend of labor, the leader of Ohio's Communist Party, John Williamson, denounced both Robert Taft and Bricker as "spokesmen for every reactionary and Fascist-minded force in Ohio."[137] Williamson also claimed that the Communist candidates for state offices in Ohio were withdrawing their campaigns to support Sawyer. To the lifelong conservative from Mount Sterling, this was anathema. Communist supporters had made their disdain for Bricker and the Republican Party clear. Bricker seized upon the connection between Sawyer and communism, delivering these words as part of a speech before the Ohio Republican state convention on September 14:

"I am not a red baiter. I do not believe that America is going to be overthrown, but a constant vigilance is necessary to preserve our liberties, to strike down those forces within our midst which would destroy them…I want to say to you that the Communist party has no right to place a ticket on the ballot of our fair state. They withdrew their ticket in order to help elect my opponent and defeat me. He [Sawyer] has attempted to refute their aid and support. He said that he would not know a communist if he saw one. I want to say to you that if he knew as much about them and their subversive influence and destructive desires as I do he would not have them hanging around his neck as they are. He wouldn't get close enough to them to have them endorse him."[138]

Several illuminating strains come out of this paragraph. First is the tension between the opening claim, "I am not a red baiter," and the speech's redbaiting message. Bricker continued to use the issue in the campaign. He told a statewide audience over the radio that "There is evidence the entire campaign being waged against me was conceived

[137] "Communists out of Ohio Race in Favor of Dems," *Telegraph-Forum*, September 10, 1938, https://www.newspapers.com/image/601484143/?terms=John%20Bricker&match=1 (accessed November 28, 2020).
[138] John Bricker, Speech before the Ohio Republican State Convention, September 14, 1938; Davies, *Defender of the Old Guard*, 43-44.

and put into execution by the Communist party."[139] Bricker attacked the CIO as "overlords of industrial violence."[140] In the September 14 speech before the Ohio Republican state convention, Bricker also attacked the Non-Partisan League as "another group which has not the interest of Ohio and all its citizens at heart" but which, instead, is motivated by "selfish power and self-gain." The CIO was also on Bricker's short list of adversaries because it had given its support to Sawyer. At the same Republican state convention, Bricker said that the CIO "is earnestly devoting its time and funds collected out of the sweat of the laborer to elect my opponent. I do not want their support. I do not want to ever have submitted to me demands which they might make."[141] On November 1, just a few days before the election, Bricker put out one final attack against the CIO: "John L. Lewis [President of the United Mine Workers of America], the radical labor leader, claims that he engineered Charles Sawyer's nomination."[142] Bricker's claimed were tilting farther to the Right while making a perennial enemy of labor (which came back to haunt Bricker in his 1958 Senate reelection campaign). Bricker's remarks on the labor issue were also beginning to sound conspiratorial, particularly the claim that the CIO had "engineered" Sawyer's nomination.[143]

Bricker's speech illuminates a few other important points. At the center of it is the language of liberties and the "constant vigilance" required to preserve them, drawing on similar language of limited government and individual liberty that had characterized Bricker's understanding of government since before his college days. The speech showed

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[139] Radio Address, September 5, 1938.
[140] "Bricker Again Denies 'Deal'; Raps 'Sawyer-CIO Bargain'," *Cincinnati Enquirer*, November 1, 1938, https://www.newspapers.com/image/99886802/?terms=John%20Bricker&match=1 (accessed January 7, 2021).
[141] Speech before the Ohio Republican State Convention, September 14, 1938.
[142] "Bricker Again Denies 'Deal'," November 1, 1938.
[143] Davies, *Defender of the Old Guard*, 44.

that his conservative inclinations were alive and well. Additionally, Bricker said he did not believe that the U.S. would be overthrown by a communist plot, which creates an important limitation on the extent to which he was willing to accuse communists of influencing Democratic politicians. Finally, by suggesting that Sawyer could not identify a communist if he saw one, Bricker implied that he himself could – including communists' "subversive influence and destructive desires."

The reality of being able to identify communists, however, was more complex at that time. Though communism's influence in American life was highest during the 1930s, it remained unpopular. Spotting a communist was not a straightforward action, given that the movement attracted members from a broad range of political organizations and dispositions. Americans of the political Left sometimes "sympathized with the [Communist] party's goals and supported its activities, but they did not want to submit to its discipline or give up as much of their free time as the party demanded."[144] Sometimes leftists joined the Communist Party briefly, disliked what went on at the meetings, and then left – a process that obscured who was in the Party's orbit. Members of the Communist Party sometimes joined other organizations, such as school boards, student groups, and literary magazines, so as to extend the Communist Party's influence on them. Thus, while communist ideas could be dispersed throughout American society, those who absorbed such ideas were not necessarily in high ranks or within the Communist Party itself, making the identification of a communist-influenced person a harder task than Bricker suggested.[145]

[144] Schrecker and Deery, *The Age of McCarthyism*, 5.
[145] Ibid., 5-6.

Bricker had found, by the late stages of the 1938 campaign, a topic he could use as a political weapon, though he did not exploit it too much. Communism was becoming a useful target for Republicans running for office. The limited tone of Bricker's speech at the Ohio Republican state convention suggests that anti-communism was more of an effective campaign tactic for him, rather than a threat which he believed would uproot traditional American life entirely. Drawing on language of individual liberties while remaining confident that there would be no communist revolution, Bricker's campaign attacks on communism did not make him a true precursor to McCarthy at that point in time. What it did suggest, however, was that he was willing to use communism as a campaign tool. It was not the last time he would deploy it during one of his campaigns. Bricker also happened to be on the ballot in a year in which the Communist Party was in its "Popular Front" phase. This led the Party to collaborate with other left-leaning organizations and entities (such as the Democratic Party) to maximize its effect. This also helps explain the communist endorsement of Sawyer but created further frustrations for Bricker.[146]

Election day in early November was cold and damp. Despite the bad weather, voters turned out in surprisingly large numbers for an off-election year. More than two million Ohioans cast a ballot in 1938, which was 1.2 million fewer than in 1936.[147] Early returns were promising for Bricker. By midnight, victory was secured. Bricker won comfortably in Ohio's suburbs and rural areas, though his anti-labor comments had led to Sawyer's 64,000-vote victory in Cuyahoga County, home to Cleveland, and other large margins in Toledo, Akron, and Youngstown – all labor strongholds. However, statewide

[146] Ibid., 6.
[147] Davies, *Defender of the Old Guard*, 45.

Bricker received fifty-three percent of the vote while carrying seventy-seven out of the state's eighty-eight counties and winning by a 118,000-vote margin.[148]

Ohio Republican Robert Taft also won his race for the Senate, giving Ohio two well-qualified, high-ranking Republican figures who quickly began to seem like prospects for the Republican national ticket in the upcoming 1940 election. However, Taft interpreted the two men's victories as more of an anti-New Deal statement than an endorsement for either to seek high office: "Governor John W. Bricker and myself based our whole campaign on an anti-New Deal platform. We did not merely criticize New Deal methods. We openly asked the people to repudiate the basic principles which the New Deal has adopted during the last two years; the principles of planned economy and government regulation of commerce, agriculture and industry."[149] Bricker's anti-labor campaign had proven to be effective with the majority of Ohio voters, especially those outside Ohio's biggest cities. The *Cleveland Plain Dealer* picked up on this in a sarcastic comment in a post-election analysis piece, which claimed that merely mentioning John L. Lewis' name meant that "women and children would hide in storm cellars and farmers would grab pitchforks and muskets." The same reporter also claimed that rural Ohioans saw organized labor as a "direct threat against their homes, farms, and businesses" and that election day showed how they "sprang up to repel the invasion like the embattled Minute Men at Lexington and Concord."[150] Though using exaggerated language and likening anti-labor feelings to anti-British ones during the American Revolution, the

[148] "Bricker Wins 77 Counties," *Akron Beacon Journal*, November 10, 1938, https://www.newspapers.com/image/228713273/?terms=John%20Bricker%20Ohio%20State%20Journal&match=1 (accessed December 21, 2020); Davies, *Defender of the Old Guard*, 45-46.
[149] Quoted in Davies, *Defender of the Old Guard*, 46.
[150] Election Analysis, *Cleveland Plain Dealer* (Cleveland, OH), November 13, 1938, p. A-11.

analysis did pick up on the sentiments of rural Ohioans in 1938 – a group with whom Bricker fit comfortably.[151]

On January 9, 1939, Bricker was sworn in as Ohio's fifty-fourth chief executive. He made it clear that his administration would be a conservative alternative to the New Deal. "There must be a revitalization of state and local governments throughout the nation. The individual citizen must again be conscious of his responsibility to his government and alert to the preservation of his rights as a citizen under it. That cannot be done by taking government further away, but by keeping it at home." He continued, "No superman or dictator can point the way to the better life we seek. It is a democratic task. The leadership must be of the many, of people of high character and good purpose."[152] Clearly signaling his plan to return to localized and limited government, Bricker completed the gala affair by shaking so many hands that he came to work the next morning with his right hand bandaged to protect the new blisters.[153] In keeping with his frugality, Bricker insisted that his inauguration must not cost the state one cent. Upon learning that some of the gala bills were unpaid, Bricker walked across the street from the Chamber of Commerce and borrowed $2,200 of his own money to pay off the remaining debt. Ohio's fifty-fourth governor was an unwavering and sturdy conservative, if not frugal to a fault.[154]

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[151] Davies, *Defender of the Old Guard*, 46-47.
[152] Quoted in Pauly, *Bricker of Ohio*, 91.
[153] Davies, *Defender of the Old Guard*, 50.
[154] Pauly, *Bricker of Ohio*, 92.

A Governor and a Crisis: the Relief Problem in Cleveland, 1939

In 1967 Bricker's longtime secretary, Nellie Henry, wrote, "Of all the positions he ever held, Mr. Bricker derived the most personal satisfaction out of being governor. In the Senate he was just one of ninety-six persons, but as governor he could get things done."[155] Bricker enjoyed the position of governor more than any other position he held in public life. The office's ability to represent the entire state in a different way than the attorney general position or as a senator gave him a unique sense of satisfaction. Additionally, his emphasis on limited government was welcomed after Ohio voters had grown weary of the accusations that had clouded the Davey administration in years past.[156]

At his inauguration on January 9, 1939, Bricker made clear what his two main promises as governor would be: a reduction in the cost of state government and "the establishment of common honesty" in state affairs.[157] "It is easy to spend money and to expand government," Bricker said to his audience at the inauguration in a reference to the New Deal. "It is difficult to save and retrench." In 1938-39, the Depression had entered a second trough, due partly to the fact that the federal government was collecting a large revenue from the Social Security Act (which the Supreme Court deemed constitutional in 1937) while having cut spending (partly in an effort to appease conservative Dixiecrats and keep the Democratic Party together). A recession resulted from this nearly balanced federal budget and a lack of private consumption or federal deficit spending to help the economy. The federal spending cuts reduced states' income, giving Bricker less federal

[155] Nellie Henry, interview by Richard O. Davies, July 18, 1967.
[156] Davies, *Defender of the Old Guard*, 48.
[157] John Bricker, inaugural address, January 9, 1939, speech files, JWBP.

assistance (on top of Ohio's $20 million debt in the state treasury at that time) upon entering office.[158] Unemployment had risen as a result of the recession, which made some Ohioans question the New Deal's effectiveness. Newspapers picked up on the change of government and the help it might bring for Ohioans affected by the recession. Bricker offered a different approach to the problem.[159]

Bricker immediately got to work in reducing the state government by eliminating what he believed to be unnecessary positions that drained the state budget. Many of these were perceived as Davey's "midnight appointments." In Bricker's first few weeks in office, several bills made their way through the new Republican state legislature. Bricker doubled down on his decision to rid the state of Davey appointments: "I am determined that there will be driven out of the state the gang of political misfits who have been placed here during the last few years."[160] By early February 1939, several hundred last-minute Davey appointees had been removed by having their jobs abolished, including positions in the Department of Health, the Industrial Commission, the Civil Service Commission, and the State Tax Commission.[161] Though his promise to reduce the size of state government was welcomed warmly by Republicans, its actual outcome was less so. The state Republicans closest to Bricker expected to be rewarded by being appointed to those positions, but Bricker was determined to keep only those spots that were deemed necessary. His two biggest targets for reduction were the liquor and highway departments, two areas that had clouded the Davey administration with accusations of

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[158] David Stebenne, *Promised Land: How the Rise of the Middle Class Transformed America, 1929-1968* (New York: Scribner, 2020), 70.
[159] Davies, *Defender of the Old Guard*, 48-52.
[160] John Bricker to Robert A. Weaver, May 27, 1939.
[161] Davies, *Defender of the Old Guard*, 52.

corruption. In those two departments alone, Bricker abolished 1,047 jobs in his first week in office.[162] Bricker claimed that the eliminated positions had comprised a "needless waste of public funds" and that their elimination had saved the state $1.4 million in employment costs.[163]

By the end of January 1939, 2,200 state jobs had been eliminated. That figure rose to nearly 3,000 by early spring. Some Republicans, including state chairman Ed Schorr, were appalled that Bricker was not retaining more positions for Republican spoils.[164] Bricker did not appear to worry about Republican criticism, feeling that his commitment to frugality was the most important task and not giving previous Davey appointments to Republicans. Bricker reiterated his goals in his first appearance before the legislature on January 16, seven days after his inauguration. The commitment was to "stringent economies no matter how distasteful." He continued with his disliking of the New Deal: "The paternalism of the New Deal has weakened the [*sic*] old homely virtues of initiative and self-reliance. We have been led to believe that we can do very little to help ourselves."[165] Bricker then recommended that the legislature abolish earmarking funds, the practice of setting aside funds for specific departments and needs. Bricker's justification for ending the practice was, again, one of frugality: "Earmarking of funds…provides the means for getting into debt, but no means of getting out."

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[162] "Reveal Daveycrats Burned Road Personnel Records," *Akron Beacon Journal*, January 16, 1939, https://www.newspapers.com/image/229105513/?terms=John%20Bricker&match=1 (accessed January 17, 2021).
[163] "1,069 Workers Fired in 5 Days by Bricker," *Sandusky Register* (Sandusky, OH), January 15, 1939, https://www.newspapers.com/image/12359899/?terms=John%20Bricker%20%22needless%20waste%22&match=1 (accessed December 29, 2020); Davies, *Defender of the Old Guard*, 49-53.
[164] Pauly, *Bricker of Ohio*, 95.
[165] "Text of Bricker Message," *Akron Beacon Journal*, January 17, 1939, https://www.newspapers.com/image/229105701/?terms=John%20Bricker%20%22The%20paternalism%20of%20the%20New%20Deal%20%22&match=1 (accessed November 28, 2020).

Earmarking allowed some state departments and programs to ask for extra funds in case of emergency, though this sometimes resulted in surpluses – something which Bricker saw as an unnecessary accumulation of funds that he could instead use to resolve the state's debt. Ending earmarking had another practical benefit: it allowed Bricker to administer the state's funds because all monies would come from a general fund overseen by the governor. In early March, the legislature produced a new budget with a single general fund, delivering an early victory to Bricker.[166]

Bricker's early success with the budget – a reflection of his unwavering fiscal conservatism – met its greatest challenge that same year with one issue that had nagged Ohio's governors throughout the Great Depression: relief funding. A study of Ohio relief efforts in the 1930s concluded that "neither the governors [Republican Myers Cooper and Democrats George White and Martin Davey] nor the legislature showed any recognition of the fact that relief was a permanent problem. The State of Ohio skipped from one piece of 'stop-gap' legislation to another. There was no permanent planning and no continuity of administration."[167] Each of those three governors, and Bricker himself, approached relief with temporary state funding and with the requirement of matching funds from cities up to a certain percentage. Complicating matters were the changing policies under the New Deal that allocated different amounts of money, sometimes changing by the month, for public works.[168] Bricker's two-year relief program provided $10 million to local subdivisions, with the requirement that local governments would need to match that relief dollar-for-dollar. The dollar-for-dollar requirement made local abilities to provide

[166] Davies, *Defender of the Old Guard*, 53; Pauly, *Bricker of Ohio*, 53.
[167] J. Otis Garber, "Depression Activities," in *Ohio in the Twentieth Century*, ed. Harlow Lindley (Columbus: Ohio State Archeological and Historical Society, 1942), 467-470.
[168] Davies, *Defender of the Old Guard*, 55.

adequate relief funds more difficult, something complicated even more by declining federal spending on such programs. Bricker admitted privately to a friend that the relief situation he inherited was a "problem that none of us likes to face."[169]

As a rural and lifelong Ohioan, Bricker's instincts to not "spend any money you haven't got" (as he said at his inauguration) ran up against what urban politicians were increasingly demanding.[170] In his first year as governor, the state treasury was not yet in a surplus. By early fall 1939, several major Ohio cities found themselves unable to match the state relief dollar-for-dollar. Cleveland, in particular, struggled. The demands of frugal, rural politicians in the state legislature throughout the 1930s limited the ability of big-city politicians to receive more state funds.[171] The gerrymandered nature of the state's districts at that time enhanced the power of Ohio's rural areas, and it was not until the Supreme Court's decision in Baker v. Carr (1962) that federal courts could hear redistricting cases and thus counteract negative effects of gerrymandering.[172] Federal assistance, in the form of direct relief and public works employment, had saved Cleveland throughout the decade. In 1935, however, the Roosevelt administration ended its direct relief payment program to focus funds on public works. Martin Davey was unable to reverse this decision, contributing to his falling-out with Roosevelt. Furthermore, the law that had created the State Relief Commission under Davey expired in April 1937, and the legislature was unable to agree upon new legislation to replace it. From April 1937 to July 1938, state government provided no clear plan for public relief.

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[169] John Bricker to Murray Lincoln, March 18, 1939; Davies, *Defender of the Old Guard*, 54-56.
[170] Quoted in Pauly, *Bricker of Ohio*, 92.
[171] Francis R. Auman, "Ohio Government in the Twentieth Century From White to Bricker," in *Ohio in the Twentieth Century*, ed. Lindley, 56-61.
[172] Baker v. Carr, 369 U.S. 186 (1962).

The responsibility instead fell to the state auditor to allocate funds on a per capita basis.[173]

Bricker's response to demands for increased funding in urban areas was puzzling. He offered a ten-percent increase in state funding, in return for demanding increased urban funds to match it.[174] Complicating matters for cities was that the federal government had reduced Ohio's 1939 WPA funds by fifty-three percent. From 1938 to 1939, the relief roster in Cleveland increased from 20,000 to over 70,000 due to that change and the "Roosevelt recession." About 150,000 unemployed Ohioans in urban areas were on public relief as the winter of 1939 approached. The natural target for urban politicians was seeking more relief funding from the state's growing budget surplus, which was $18 million in Bricker's first biennial budget.[175] Leaders from Toledo, Dayton, and Cleveland met in October with Bricker to request more state relief funds. Yet rural Republicans – with whom Bricker felt most comfortable – urged the governor to stand firm. "The cities should put their own house in order before coming to the governor and Legislature for more money to handle their own problem of relief," said an editor of the *Wauseon Republican*, a rural newspaper in Ohio.[176]

On November 10, Cleveland's Republican mayor, Harold Burton (who was appointed to the United State Supreme Court by President Truman in 1945), was reelected and announced immediately that Cleveland needed an additional $1,425,000 in state funds by the new year for relief funding. Bricker then traveled to Cleveland to do

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[173] Garber, "Depression Activities," 467-70; Roseboom and Weisenburger, *History of Ohio*, 361-71; Pauly, *Bricker of Ohio*, 146-48.
[174] Pauly, *Bricker of Ohio*, 149-52.
[175] John Bricker to William F. Maag, June 14, 1939.
[176] Davies, *Defender of the Old Guard*, 57-58; quoted in Davies, 57.

his own investigation of the situation. However, he returned to Columbus unpersuaded and doubled down on his stance he would not provide state funding until Cleveland could prove where it would get its funding to match a state offer. Bricker was unconvinced that Cleveland had tried all its other funding alternatives – most of which required cutting what he believed to be unnecessary government positions. Bricker even resisted a path that would get him off the hook: calling the legislature into a special session to turn down funding itself. In short, he was determined to remain a tight-budget governor – no matter the cost, it seemed, as the battle with Cleveland's GOP mayor intensified.[177]

Burton ramped up the struggle. At a meeting with Cleveland union leaders, he told them to go to Columbus and "raise the devil" with Bricker. "The place to put the pressure is on the governor. There is no way for us to reach the legislature unless Governor Bricker calls it together." Bricker's resistance to doing so, according to Burton, was "a crime" and "[*sic*] unexcusable."[178]

Bricker turned the conflict into what he saw as a battle between conservative and New Deal ideologies: "There is more than mere relief at stake in this situation," he told a press conference. "Wholesale spending must stop. It is a case of the government being at stake, and I don't mean merely the government of Ohio. The time has come to cut drastically. We have started in Ohio."[179] Bricker could point to his own actions as governor in 1939, which had eliminated most of the $20 million state budget deficit. What emerged from Bricker in this battle was not the redbaiting he had deployed in his

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[177] Ibid., 58-59.
[178] Quoted in Davies, *Defender of the Old Guard*, 58.
[179] "Bricker on Tight Belts," *Journal and Courier* (Lafayette, IN), December 1, 1939, https://www.newspapers.com/image/261751498/?terms=John%20Bricker%20%22we%20have%20started%20in%20Ohio%22&match=1 (accessed January 2, 2021).

campaign for governor a year earlier; instead, he reserved his most cutting remarks to establish a permanent and explicit antipathy for the New Deal. His comments about "government being at stake" were a suggestion of his belief that resorting to spending would jeopardize the limited role of government in economic affairs that the nation had enjoyed until the New Deal.[180]

However, Bricker now cast the Ohio relief problem onto the New Deal and Roosevelt himself. "Political manipulation" of public works funds caused the problem. "If they [federal officials] were interested in human welfare they would not have cut W.P.A. [the Works Progress Administration, founded in 1935] employment in Cleveland from 74,000 in an election year to 30,000 in a non-election year. It is the political manipulation of W.P.A. employment that has brought about the difficulty there has been in Ohio." Bricker accused Roosevelt of cutting funds for Ohio because the state had elected two Republicans to high office in 1938 – Robert Taft to the U.S. Senate and Bricker to the governorship. In other words, Bricker believed the lack of federal support was at least partly a partisan attack against him and his work "in the state which had put its financial house in order."[181] Underlying Bricker's criticism as well was his belief that the New Deal's approach to increased government was anathema to conservative budgetary principles, which were crucial to Bricker if individual autonomy and self-reliance were to be maintained.[182]

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[180] Davies, *Defender of the Old Guard*, 58-60.
[181] "Governor Alleges Executive Should Repay $1,300,000 Owed to State's Aged," *Cincinnati Enquirer*, December 9, 1939, https://www.newspapers.com/image/103444668/?terms=John%20Bricker%20%22financial%20house%20in%20order%22&match=1 (accessed December 28, 2020).
[182] Davies, *Defender of the Old Guard*, 59.

The story made national headlines. Bricker faced labels of being "the Starvation Governor" and "Pharaoh of the Famine" as reports circulated about starving Clevelanders.[183] One newspaper claimed that Cleveland was the "only city [in Ohio] where large numbers of citizens go hungry and children cry for bread and milk" and quipped, "Wouldn't Starvation Bricker make a hell of a President?"[184] John Owens, the state CIO director, told the press, "It is obvious that Governor Bricker hopes to build himself up as a presidential candidate in the eyes of those industrialists who favor starvation of men, women and children in Ohio."[185] New York City mayor Fiorello La Guardia claimed that thousands were nearing starvation in Cleveland.[186] Roosevelt's Secretary of the Interior, Harold Ickes, also commented: "Why do people starve in Cleveland? Because a Republican governor, Mr. Bricker, deliberately chose to risk starvation rather than spoil his own selfish plan for a budget-balancing record…in preparation for his campaign as the candidate on the Republican ticket."[187] Even President Roosevelt chimed in, pointing out that Pennsylvania had spent $33 million on relief in comparison to Ohio's $10 million (though Pennsylvania's population exceeded Ohio's by thirty-three percent in 1939).[188]

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[183] "Pharaoh of the Famine," *New Republic*, December 27, 1939, p. 273.
[184] "Starving 'Em for State Rights," *Daily News* (New York City, NY), December 17, 1939, https://www.newspapers.com/image/431292322/?terms=John%20Bricker%20%22starvation%20Bricker%22&match=1 (accessed December 18, 2020).
[185] "Politics Implied Reason Ohio Cities' Relief Cut," *Kingsport Times* (Kingsport, TN), December 10, 1939, https://www.newspapers.com/image/591244871/?terms=John%20Bricker%20%22industrialists%20who%20favor%20starvation%22%22&match=1 (accessed December 17, 2020).
[186] Davies, *Defender of the Old Guard*, 61.
[187] "Ickes Blasts at G.O.P. in Backing Roosevelt Again," *Dothan Eagle* (Dothan, AL), December 12, 1939, https://www.newspapers.com/image/538434123/?terms=John%20Bricker%20%22chose%20to%20risk%20starvation%22&match=1 (accessed December 21, 2020).
[188] Davies, *Defender of the Old Guard*, 61-62.

Several prominent Democrats tied Bricker to the 1940 presidential election as a way to discredit Republicans. Republicans considered the prospect too, seeing Bricker's unwavering stance as a promising platform to unseat Roosevelt's successor and his New Deal philosophy (FDR had not signaled at that time any interest in running for an unprecedented third term). "Many Republicans now feel that he is heaven's gift to their party," one observer noted.[189] Indeed, Bricker was an attractive candidate to those Republicans who were unwilling to go along with the New Deal and compromise on relief legislation. Bricker offered a fundamental rejection of the New Deal in the 1939 relief crisis. Bricker himself felt hurt by the criticism, lamenting privately to a friend about the "pressure and the extreme methods pursued" in his "personal vilification."[190] It was the first time in his political career he had faced substantial backlash that had thrust him into the national spotlight in a negative way. His response, however, was to commit himself even further to his conservative principles – especially budgetary ones. Bricker had made explicit his antipathy for the New Deal and the philosophy it represented, now on the national stage, for all to see. In short, he had solidified his image as an Old Guard conservative, the part of the Republican Party that refused to go along with any aspect of the New Deal. Gone was the Bricker who had served as Ohio's attorney general from 1933 to 1937, the moderate conservative who had shown progressive streaks.[191]

What solidified Bricker's image as an Old Guard conservative was that he effectively won the political battle over the relief crisis. On December 7, 1939, Mayor Burton conceded to Bricker's plan as proposed by Bricker's finance director, Bill Evatt.

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[189] Joseph Ferguson to F.C. Harrington, December 6, 1939.
[190] John Bricker to A.I. Atkins, December 5, 1939.
[191] Davies, *Defender of the Old Guard*, 59-63.

Evatt proposed that Cleveland raise $1.2 million by issuing tax delinquency bonds – bonds to Cleveland residents who had not paid their taxes or had paid them late due to financial hardship. The bonds were to be repaid with money received from delinquent taxpayers. Burton had refused this option, believing that Bricker would call a special session in the state legislature for emergency funding. When Bricker did not budge, Burton then issued $1 million in bonds, thereby producing Cleveland's share of relief money that Bricker had demanded in order to for the city to receive state aid. Bricker then issued $1,800,000 from the state's treasury, a revenue buildup from excise taxes, and provided that sum to Ohio's major cities, $398,000 of which went to Cleveland. Within a few days the relief program was functioning again in Cleveland, and the crisis faded from headlines.[192] Though some of Cleveland's poor had likely starved and many more had gone hungry, the extent to which actual starvation was reported was probably overdone. Even Harold Burton admitted to a newspaper that the incident was "as much a surprise to me as it was to anybody else." He felt uneasy about the "groundless rumors that seemed to be afloat about it."[193] The crisis had ended, but Bricker's deeply seated antipathy for the New Deal had not. His image as a hardened conservative had cemented itself in the public eye.[194]

The Popular Republican, 1941-1944

As the relief crisis faded from state and national press, Bricker continued his focus on creating what he saw as an efficient governorship. Ohio Republicans were faced

[192] Pauly, *Bricker of Ohio*, 155-61.
[193] Harold Burton to Patrick McMahon, April 29, 1940.
[194] Davies, *Defender of the Old Guard*, 62-63.

with a good problem: two attractive Republican candidates – Senator Robert Taft and Governor John Bricker – who could likely fare well for the 1940 Republican presidential nomination. Taft announced his candidacy on August 3, 1939. He had written to friends about his quiet campaign to ensure that "Bricker should remain as governor." When Taft announced his candidacy, Bricker pledged his support and decided to pursue a second term as governor instead.[195] The 1940 election dredged up old controversies as Martin Davey – bitter at his defeat in the 1938 primary – reentered the race and won the Democratic nomination. All signs seemed good for Bricker early on in the race. Few Democrats expressed enthusiasm for Davey's candidacy, though Davey's political connections and effective fundraising within Democratic circles helped him win the spring primary. James M. Cox, Ohio's Democratic governor from 1913 to 1915 and 1917 to 1921, and the 1920 Democratic presidential nominee, wrote that Davey "would not deserve election even though his party were so unfortunate as to nominate him."[196] Bricker attended an unusually high number of events around the state for his campaign, exuding his informal and folksy style that was popular with many Ohioans outside the big cities.[197]

Bricker wrote Herbert Hoover that he was "hoping and praying for the best."[198] The returns were even better than the last time. Whereas Roosevelt beat Republican presidential nominee Wendell Willkie by 155,000 votes, Bricker beat Davey by nearly

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[195] James T. Patterson, *Mr. Republican: A Biography of Robert A. Taft* (Boston: Houghton Mifflin, 1972), 206-208.
[196] "Cox Calls Upon Ohio Democrats to Defeat Davey," *Dayton Herald*, May 10, 1940, https://www.newspapers.com/image/391548680/?terms=James%20M.%20Cox%20%22would%20not%20deserve%20election%22&match=1 (accessed January 2, 2021).
[197] Davies, *Defender of the Old Guard*, 64-69.
[198] John Bricker to Hebert Hoover, November 13, 1940.

395,000.[199] This margin was the largest by a governor in Ohio's history at that time.[200] Bricker even carried Cuyahoga County by 64,000 – where recent memories of the relief crisis resided – the county he had lost two years earlier by nearly the same margin. The 1940 election suggested Ohioans had not only been enthusiastic about a frugal governor, but also one who possessed an informal and relatable demeanor. Bricker's commitment to principle and his personal integrity were unflappable. The larger margin of his defeat over Davey versus FDR's margin over Willkie in Ohio reflected, in part, an anti-Davey vote. Despite the controversy Bricker had created with the relief crisis, voters chose the likeable, more reserved candidate who avoided accusations of bribery and other self-destructive administrative issues that were associated with Davey.[201]

Bricker proposed a modest legislative agenda in 1941. The few new programs established were preparations for America's entrance into World War II. A State Guard was established to stand in for the Ohio National Guard, which had departed for active duty. The Highway Patrol was expanded from three hundred to four hundred men so as to enforce new security measures. A State Defense Council was also established, headed by Bricker, to mobilize resources for wartime production, agricultural production, and practice measures for civil defense.[202] The state's preparedness made for an easy transition when these measures were finally needed. Unemployment fell to almost zero, as it did around the country by 1943. Between 1940 and 1943, Ohio's production of coal grew by eighty-two percent, and the number of people employed in industries increased

[199] Pauly, *Bricker of Ohio*, 171-74.
[200] Davies, *Defender of the Old Guard*, 73.
[201] Ibid., 69-71.
[202] Pauly, *Bricker of Ohio*, 175-78.

by over 500,000. Industrial wages increased sixty-five percent, and income for farmers increased by nearly 200 percent.[203]

The sudden return of broad prosperity for many in Ohio increased Bricker's popularity enormously. Complementing that trend even more was that Bricker's budgetary strictness was paying off: by January 1942, the state budget had exceeded $25 million in surplus. When Bricker left office in 1945, it sat at $75 million, a $95 million jump from the $20 million deficit he inherited in 1939.[204] The war-time emergency gave rise to calls for Bricker to seek a third term as governor. His victory in that race – the first Republican in the state in the twentieth-century to achieve such a feat – was hardly in doubt. The bigger question was about the margin. In terms of the percentage of votes he received, each of Bricker's gubernatorial victories exceeded the previous one. Bricker's Democratic opponent in the 1942 election, John McSweeney, carried little on his political record to excite many; he had also lost to Harold Burton in the 1940 Senate race. Despite the low voter turnout in 1942 (it was not a year for a presidential election, and many men were serving overseas), Bricker's victory was commanding. He received 60.5% of the vote, winning eighty-six out of eighty-counties in Ohio (for reasons that are unclear, the two counties he lost, Pike and Holmes, were both rural). He was the second governor in Ohio's history to win three consecutive terms.[205]

Important to note is that Bricker's strong anti-New Deal language and anti-communist language were absent from his 1940 and 1942 campaigns. This was likely because he was in two contests against unpopular and weak candidates. Labor and other

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[203] Roseboom and Weisenburger, *History of Ohio*, 372; Knepper, *Ohio and Its People*, 382-91.
[204] Davies, *Defender of the Old Guard*, 75.
[205] Office of the Ohio Secretary of State, *Ohio Election Statistics for 1942* (Columbus: F.J. Heer Printing Co., 1942), 119-20; Davies, *Defender of the Old Guard*, 70-71.

left-wing organizations did not rally around Davey or McSweeney with the same fervor they did for Sawyer in 1938. Additionally, Bricker had had a track record from his first term as governor to show the results of his tight-budget approach. The war increased his popularity as Ohioans began enjoying low unemployment and rising wages, which added to the appeal of the principles on which he ran. However, his antipathy towards the New Deal and communism had not vanished. They appeared only when Bricker ran up against more formidable opponents and their support from his perennial enemies, labor unions and the CIO. But in the early 1940s, Bricker had run two consecutive, successful campaigns that were generally unchallenging. Not surprisingly, he attracted some national attention as a potential Republican candidate for the 1944 national election. As Raymond Moley wrote in his syndicated column at the time, Bricker possessed an "extraordinary availability" for Republicans. "Governor Bricker is a conservative, mild-mannered, methodical and economical administrator. He makes pleasant and sensible speeches. He has extraordinary appeal to rural voters and it is not irrelevant to add that he is probably the handsomest man in American public life."[206]

Nearly Vice President: the 1944 Presidential Election

Bricker did not hesitate to announce his candidacy for president in 1944. Believing that his outspoken criticism of the New Deal and budget-cutting actions would attract most Americans, he did little to advance an image of a politician who could lead America in a post-war age. His foreign policy views had remained isolationist, but isolationism was disappearing as a defensible political position. A reporter from the

[206] *Wall Street Journal*, November 5, 1942, p. 1, quoted in Davies, *Defender of the Old Guard*, 78; Davies, 72-79.

Akron Beacon Journal observed that, of all the possible Republican presidential candidates for 1944, "Bricker devotes the most attention to looking backward. If the voters want a President of that type, Bricker is their man."[207] *Life* magazine claimed that Bricker would achieve success only if voters "grow tired of exciting leaders and decide they want a president who looks safe and sound and solid."[208] Yet Bricker's principled conservatism and Midwestern upbringing resonated with many conservatives who longed for a Republican president more like Herbert Hoover. *Time* magazine listed its "Ten Presidential Commandments" for what seemed to work for past presidential candidates – for example, that the president "must be acceptable to old-line party leaders" – and concluded that "the man who most exactly fits these specifications is Ohio's Governor John William Bricker."[209] Bricker did little in his time as governor or during the 1944 campaign to master a stance on foreign policy or develop a workable alternative to the New Deal. His biographer commented that Bricker had "never left, either emotionally or intellectually, the village of Mount Sterling. His values were those of an earlier time when Wall Street was to be feared, when the Monroe Doctrine provided the only foreign policy that was necessary, and when no one expected the federal government to solve economic or social problems."[210]

Bricker's plans for his third consecutive term as governor were also rather uninspiring for a presidential candidate. Although his budget surplus – which sat at $42

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[207] "Bricker Playing Old Ohio Game of Availability," *St. Louis Post-Dispatch* (St. Louis, MO), April 2, 1944, https://www.newspapers.com/image/138470317/?terms=John%20Bricker%20%22devotes%20the%20most%20attention%20to%20looking%20backward%22&match=1 (accessed January 27, 2021).
[208] "Bricker Announces," *Life*, November 29, 1943, p. 42 (accessed February 27, 2021).
[209] "How to Become President," *Time*, April 26, 1943, http://content.time.com/time/subscriber/article/0,33009,802687,00.html (accessed January 7, 2021).
[210] Davies, *Defender of the Old Guard*, 80-81.

million at the beginning of 1943 – was certainly an achievement, Bricker provided little direction elsewhere for the state during wartime. He proposed an increase of $2 million for civil defense funds, a modernization of state codes regulating women's labor, a rehabilitation program for wounded veterans, and, more controversial than before, more cuts on sales taxes for items such as food and prescription medicines. This time, the legislature butted heads with Bricker and refused to cut more taxes until the war ended. The *New York Times* picked up on Bricker's absent stance on national or international issues. "All attempts to draw him out on international or even national politics have been uniformly unsuccessful. His record as Governor of Ohio is adjudged a good one, and it is on that platform that Governor Bricker apparently is determined to stand or fall in his quest for high office."[211]

Although Bricker did not formally announce his candidacy for president until November 15, 1943, he knew that his chances depended on strengthening his image. However, nothing he did seemed to help. His speech in April 1943 to the Political Science Academy in New York City did not offer any stance on foreign policy, though his staff had promised it would. In June, the national governors' conference was held in Bricker's home turf, Columbus, though the press pursued New York governor and promising presidential candidate Thomas Dewey. Bricker's biggest press coverage at that event was his brief welcoming address. Senator Taft was out of the race, focusing instead on his reelection for the Senate (which he almost lost). Nonetheless, he was not surprised that Bricker failed to attract attention outside of Ohio. Taft "never though very highly of

[211] William H. Lawrence, *New York Times*, February 28, 1943, section 4, p. 8, quoted in Davies, *Defender of the Old Guard*, 82; Davies, 81-82.

Bricker's intellectual capacity," believing that Bricker's speeches did not amount to much of anything.[212]

Bricker's floundering on whether to pursue a fourth term as governor instead of the presidency even caused trouble in his own state. His chief of staff, Don Power, resigned over Bricker's indecision on the issue of a fourth term. On November 10, while giving a speech in Chicago, Bricker told a group of reporters that he would enter the Ohio presidential primary but refused to say whether he planned to run in the gubernatorial primary as well. Although Bricker was allowed to enter both primaries, doing so would have been seen as an act of political opportunism. Like his first announcement for governor, his remarks in Chicago seemed impromptu and caught his staff off guard. On November 15, Bricker formally announced his candidacy for president. However, his speeches on the campaign trail focused entirely on overturning the New Deal, with little to offer in its place. His speeches lacked any foreign policy stance. The only solution Bricker promised was what he called a "Declaration of American Faith," which included a "faith in God," "dignity of the individual," "equality of opportunity for every man and woman," and a commitment to American progress. His foreign policy amounted to little more than normalcy in Ohio: "I have the faith that what has been done in Ohio can be accomplished nationwide."[213]

However, Bricker's campaign, though never terribly likely to succeed, was soon eclipsed by that of New York's governor, Thomas Dewey. Dewey's record as governor was impressive, exuding what some at the time called a "pragmatic idealism" that had

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[212] Patterson, *Mr. Republican*, 269; Davies, *Defender of the Old Guard*, 82-84.
[213] John Bricker, Blue Network, Columbus, OH: Blue Network, January 1, 1944; Davies, *Defender of the Old Guard*, 83-84, 88-89.

gotten legislation through a faction-ridden state legislature. Dewey was an alternative to the folksy Bricker, appearing as an upper-class New Englander and an effective campaigner. Though Dewey provided a middle-ground option between the strongly conservative Bricker and the last-minute takeover of the Republican nomination by former Democrat Wendell Willkie in 1940, not everyone liked him. He seem aloof and austere to some. One article commented about the 1944 presidential race that "Bricker comes closer to the old-fashioned standards of Republicanism than Dewey [*sic*] who seems a little too smooth—a slick easterner."[214]

Dewey's attraction, overall, lay in his ability to provide a fuller political profile than Bricker's flatter, backwards-looking one as some viewed it. Once Dewey was basically guaranteed to receive the nomination, he searched for a running mate. Dewey considered Earl Warren, then the governor of California who later became the Chief Justice of the United States. Warren refused to be considered, and eyes turned to Bricker to fill the spot. Herbert Hoover wrote to Dewey and recommended Bricker to help balance the ticket regionally, given that Bricker was most popular in the Midwest and Dewey was most vulnerable there. The 1944 Republican National Convention was set to operate in Chicago during the last days of June. Bricker did not expect to win the presidential nomination, nor did he expect to be chosen for Vice President. Shortly after midnight, however, on June 28, Dewey's chief lieutenants, Russell Sprague and Herbert Brownell, visited Bricker and his wife, Harriet, to make the proposal. After additional

[214] "Regional Rivalries Which Will Handicap Republicans," *Des Moines Tribune* (Des Moines, IA), June 29, 1944, https://www.newspapers.com/image/323882298/ (accessed February 2, 2021); Davies, *Defender of the Old Guard*, 91-92.

urging from Herbert Hoover and Alf Landon (the 1936 Republican nominee for president), Bricker accepted.[215]

Unfortunately, Bricker does not seem to have preserved his thoughts privately on the matter or about the enthusiastic demonstrations in support of him at the convention. His acceptance speech at the nomination, however, does show that his commitment to his party and to defeating the New Deal were unchanged. "I am personally more interested—and this comes from the depths of my heart—in defeating the New Deal philosophy of absolutism which has swept free government from its moorings in countries throughout the world. I am more interested in defeating that than I am in personally being President of the United States."[216] His speech led to a lengthy demonstration that shouted "No! No! We Want Bricker!" But Bricker had made clear his commitment to country before personal ambitions. Though his political profile was less full than Dewey's, his commitment to a pre-war America resonated with many. "Mr. Average Delegate's mind and judgment is all for Dewey, but his heart belongs to Bricker," as one columnist observed.[217]

Bricker's commitment to his party and country helped to delay any misgivings about him, based on the relief crisis that lingered and his lack of any clearly defined positions on foreign policy matters. Raymond Moley, a former member of the Roosevelt Brain Trust (Roosevelt's closest advisors who had soured on the New Deal), commented: "The nation now knows what Ohio has known for a long time. To know John Bricker is

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[215] Richard Norton Smith, *Thomas E. Dewey and His Times* (New York Cityburns: Simon & Schuster, 1982), 402; Davies, *Defender of the Old Guard*, 92-93.
[216] John Bricker, Speech before the Republican National Convention, June 28, 1944.
[217] Raymond Moley, *Columbus Dispatch*, June 30, 1944, p. 6, quoted in Davies, *Defender of the Old Guard*, 94; Davies, 93-95.

good medicine for people who have lived through long and cynical years."[218] Yet Bricker's remarks on the campaign trail and after only solidified his image as a hardline conservative, even as a reactionary and conspiracy theorist.[219]

The Communist Tinge

Bricker and Dewey did not enjoy a warm relationship during the general election. Dewey's impeccable public image, with his mustache always groomed, differed significantly from Bricker's relaxed style of dress and association with others in public. Dewey viewed Bricker as an intellectual lightweight who had had to deal with little intellectual pushback in the politics of his state. However, both Republicans agreed on their firm opposition to the New Deal. They also stuck to the same campaign topics. Bricker's attempts to rally voters against vice-presidential nominee Harry Truman's lack of qualifications, as Bricker saw it, went nowhere. Nor could the Republican ticket focus exclusively on Roosevelt's ailing health because Roosevelt himself joked about his longevity in the presidency: "Well, here we are together again—after four years—and what years they have been! You know, I am actually four years older, which is a fact that seems to annoy some people," Roosevelt quipped on the campaign trail.[220] Straight-on attacks against the New Deal had not worked to Republicans' advantage in the 1936 or 1940 elections, either. The Pearl Harbor attack on December 7, 1941, took away isolationists' main arguments, and the war effort had finally pulled the U.S. out of the

[218] Moley, *Columbus Dispatch*, June 30, 1944.
[219] Davies, *Defender of the Old Guard*, 94-95.
[220] Franklin Delano Roosevelt, "Fala," speech, Washington, D.C., September 23, 1944, Wyzant, https://www.wyzant.com/resources/lessons/history/hpol/fdr/fala (accessed February 7, 2021).

Great Depression. Finding effective arguments against FDR on the campaign trail in 1944 proved to be an elusive task for Republicans.[221]

One domestic issue that Dewey and especially Bricker exploited involved the CIO and accusations of communist takeover within the Roosevelt administration. Bricker's attacks on the Communist Party, and communists' support for labor, were within recent memory from his first gubernatorial election six years earlier. From that experience, Bricker also knew the potential success that redbaiting could bring. The 1944 Democratic National Convention brought the CIO and its Political Action Committee (PAC), headed by labor leader Sidney Hillman, into the national spotlight. President Roosevelt had directed the Democratic National Convention to "clear" the vice-presidential selection for the national ticket with Hillman, whose grassroots organization efforts were helpful for Democrats. Though Roosevelt's Justice Department had imprisoned Earl Browder, leader of the Communist Party, after Pearl Harbor (for a passport violation) to increase measures against communists and not appear to be too soft on communism, FDR commuted the sentence in 1942, further adding to Republicans' suspicions. Dewey and Bricker had found all they needed to drum claims of communist infiltration in the Democratic Party by connecting it to Hillman and Browder. Browder had endorsed the Democratic national ticket of FDR and Harry Truman in 1944, which seemed to give the communist infiltration issue some credibility. Browder also supported FDR in 1944 because the U.S. and the U.S.S.R. were allies during World War II. Roosevelt had extended military aid to the Soviets under the Lend-Lease Act of 1941 to help them fight the Germans, strengthening that allyship with a communist nation (though the allies soon became

[221] Davies, *Defender of the Old Guard*, 97-99.

adversaries almost immediately after the war's end). Just as in 1938, Bricker was again on the ballot in a year in which the Communist Party was aligned with the Democratic Party – this time because of the U.S.'s alliance with the Soviet Union.[222]

Dewey saw the issue as an opportunity to "carry the torch for the typical [anti-] Communist line" – a tactic of political convenience. Charles Breitel, who served as Dewey's Counsel to the Governor, suggested dropping the issue because it appeared as a "cheap play" and "unsympathetic" to workers who sympathized with the Left. Frances Dewey, Thomas' wife, commenting on a speech with the Hillman-communist accusation that Dewey was to give at a Boston rally, said that "Bricker could have written it," noting Bricker's close attention to the communist issue throughout the war. The farthest Dewey went with the story was to decry Browder's endorsement of the Democratic ticket.[223]

Yet, as Frances Dewey's comment suggested, Bricker went much farther with the issue, especially in one speech to an audience in French Lick, Indiana: "It is time to elect a President who will clear everything, not with Sidney, but with Congress and the American people." Bricker charged that communists were in "complete control of the New Deal Party." "The man behind Franklin Roosevelt is Sidney Hillman. The man behind Sidney Hillman is Earl Browder. And back of him are the class hatreds, the alien philosophies, and the economic slavery of the Old World."[224] Bricker claimed, to that cheering crowd of Indiana Republicans, that the Democratic Party had been replaced by the "Hillman-Browder axis." "Insidious are the forces of communism linked with irreligion that are worming their way into our national life. These forces are attempting to

[222] Ibid., 100-104.
[223] Smith, *Thomas E. Dewey*, 433.
[224] John Bricker, French Lick Speech, September 10, 1944.

take a strangle hold on our nation through the control of the New Deal." At another speech in Dallas, just ten days before the election, Bricker sounded nothing short of a conspiratorial view: "To all intents and purposes, the great Democratic Party has become the Hillman-Browder communist party with Franklin Roosevelt at its front."[225] Bricker had cemented, in his view, the alleged connection between the Roosevelt administration and the American Communist Party.

As has been the case with most major events in Bricker's life, he recorded almost nothing personally about the situation at hand or his feelings about communism. Identifying his precise, personal motivations for his 1944 campaign claims about communist infiltration is thus difficult. However, a couple of motivations can be gleaned from his public statements and the political environment of that time. First was the connection between Browder's endorsement of the 1944 Democratic ticket and the President's desire to "clear" the decision of Truman as his running mate with labor leaders who were politically beneficial to him, which was clear enough to Bricker to establish a connection between the Roosevelt administration and the American Communist Party. However, Bricker's claim that the Democratic Party had become the "Hillman-Browder communist party," led by Roosevelt, was not provable based on Browder's endorsement alone. More personal to Bricker was the threat that the principles the New Deal represented, which were antithetical to his upbringing and the Republican Party he knew. The New Deal, to most Republicans and especially to Bricker, was, in

[225] Quote from "24 Reasons Why It's Time for a Change," Dewey-Bricker campaign leaflet, *New York Times*, September 24, 1944, p. 1.

their views, "inherently anti-American" in its emphasis on government assistance, intervention in the national economy, and support for greater labor demands.[226]

Bricker's comments in his French Lick speech illuminate his reasoning along these lines. Behind Earl Browder were "irreligion" and "alien philosophies" to the native son of Mount Sterling, and his speech, bordering on conspiracy, illustrated his despair at how the political landscape was changing. The connection between the New Deal and communist subversion was not only politically convenient: it also felt natural to make in a world that was changing rapidly from the one in which Bricker had risen to political power. To Bricker's credit, Browder's endorsement meant the connection was not entirely baseless, though it led to greatly exaggerated claims. The mixture of visibility and invisibility of the Communist Party at that time also made exploitation of that connection popular. While the Party's leaders were well known, its rank-and-file members seldom were and often hid their affiliations. Communists were in great demand as organizers, and their affiliation with other left-wing groups drew sympathizers in an invisible, informal, and loose network.[227] Such circumstances made for identifying communists difficult and for the general assumption that communists were operating everywhere secretly. The smallest bits of evidence for communist affiliation or infiltration were taken to be sufficient for redbaiting tactics. This was true for Bricker as well as other Republicans, such as Joe McCarthy.[228]

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[226] Davies, *Defender of the Old Guard*, 104-105; Lewis L. Gould, *Grand Old Party: A History of the Republicans* (New York: Random House, 2003), 298.
[227] Ellen Schrecker and Philip Deery, *The Age of McCarthyism*, 6.
[228] Ibid., 7-11.

Bricker and McCarthy in the Senate, 1947-1952

Bricker's alarm against the "Hillman-Browder axis" failed to sway enough Americans. The Republicans met defeat yet again as Roosevelt defeated Dewey with fifty-three percent of the national vote and a margin of 432-99 in the Electoral College. However, the Republicans did carry Ohio, which had voted for Roosevelt in the previous three elections. Though disappointed, Bricker looked to the next stage in his political future. He was still quite popular in Ohio. Republican Senator Harold Burton, the former Cleveland mayor, was nominated by President Truman in 1945 to fill a vacancy on the Supreme Court left by Hoover appointee Owen Roberts. Democratic governor Frank Lausche chose Democrat James Huffman to fill the two remaining years of Burton's term.[229]

Bricker identified the opportunity and began campaigning for the Senate. His communist accusations appeared yet again. Bricker claimed that he had "definite proof" that the Soviet Union had endorsed Huffman's campaign but did not present supporting evidence. "Moscow is now openly supporting our opponent," Bricker said over a radio broadcast in October 1946. "The Political Action Committee in this country is being directed from communistic Russia."[230] Huffman failed to produce a strong rebuttal of these claims, allowing Bricker to repeat them throughout the campaign.[231]

Bricker was aware of the effectiveness of accusing his Democratic opponents of being supported by communism, even if they themselves were not communists. His

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[229] Davies, *Defender of the Old Guard*, 110-111.
[230] "That PAC-CIO Campaign is Being Directed from Russia—Bricker Denounced," *Cincinnati Enquirer*, October 23, 1946, https://www.newspapers.com/image/100580039/?terms=John%20Bricker%20%22definite%20proof%22&match=1 (accessed February 12, 2021).
[231] Davies, *Defender of the Old Guard*, 111.

message was becoming aligned with national sentiments about communism. Fears of internal communist infiltration were on the rise since the end of the Second World War. At first, the Soviet Union had been an American ally, and, coupled with sympathy for it by the Roosevelt administration, was seen then as a "beleaguered democratic state" helping to fight fascism.[232] Though the war helped dampen fears against communism, the resulting Cold War reignited them. From WWII had emerged a rivalry with the former communist ally, turning into a global struggle with a totalitarian ideology.[233] Republicans never missed an opportunity to defend American patriotism, putting Democrats on the defensive for patriotism by being too soft on communism. The first two years of Truman's administration (1945-46) did not help Democrats, either. Organized labor sought wage increases that had been put off during the war, and the resulting strikes annoyed parts of the electorate – many of whom had finally reached a comfortable middle-class status after years of the Depression and did not want to compromise comfort for more political controversy. Price controls disoriented some consumers, and, when they suddenly were lifted, high inflation followed. Unemployment, basically nonexistent since 1943, had also reemerged as veterans of World War II returned home. Increasing fears of communist infiltration and anger against the Truman administration aided Republicans in the 1946 elections, whose main slogan that year – "Had Enough?" – struck a chord with swing voters. Bricker rode this wave of sentiment, as did Richard Nixon, who won a House seat in California, and Joseph McCarthy of Wisconsin, who was elected to the Senate that year.[234]

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[232] Athan Theoharis, *Seeds of Repression: Harry S. Truman and the Origins of McCarthyism* (New York City: Quadrangle Books, 1971), 7.
[233] Gould, *Grand Old Party*, 307.
[234] Ibid., 307-311.

Bricker won comfortably in November 1946 with fifty-seven percent of the vote in Ohio.[235] Republicans gained thirteen seats in the Senate, giving them the majority with fifty-one senators total against Democrats' forty-five. However, the Eightieth Congress that took office in January 1947 produced a division within the Republican Party that played into Truman's hands for his reelection bid in 1948. The GOP's two strongest voices in Congress, Senators Robert Taft of Ohio and Arthur Vandenberg of Michigan, failed to agree on U.S. involvement overseas. Taft championed federal support for government housing and education programs but could not get the support of the rest of his party, some of whom had just been elected on the promise of overturning the New Deal. Truman's proposals for the Marshall Plan and aid to Greece and Turkey in 1947 made his anti-communist stance clear, taking the rug out from under Republicans on that issue. Truman was able to campaign in 1948 on the "Do Nothing Congress," as he saw it, as well as many Democrats, who regained the majority in both houses that year.[236]

Bricker contributed to the Republican splintering in the Eightieth Congress. He frequently voted against Taft on issues of federal support for education and public housing, seeing those issues as being reserved for state governments to run. When Taft justified the Wagner-Ellender-Taft public housing bill for its effort to create a "decent" living environment for poor Americans, Bricker commented that "the Socialists have gotten to Bob Taft."[237] Meanwhile, Bricker was assigned to the Joint Committee on Atomic Energy, giving him access to important issues of national security. He also aroused Vandenberg's ire, who denounced Bricker on the Senate floor for engaging in a

[235] Davies, *Defender of the Old Guard*, 112.
[236] Gould, *Grand Old Party*, 311-12.
[237] Patterson, *Mr. Republican*, 320.

"fanatic fabrication highly remindful of lynch law" after Bricker accused David Lilienthal, Truman's nominee for the Atomic Energy Commission who had also run the Tennessee Valley Authority (TVA) under Roosevelt, of harboring communist views.[238] Bricker's apparent reason for doing so was his strong mistrust of Lilienthal, who epitomized, to Bricker, the danger of New Deal bureaucrats who wished to continue the many programs begun under Roosevelt.[239]

Foreign policy also put Bricker in a difficult situation. He did not wish to support much of Truman's foreign policy, which entailed foreign intervention and higher taxes. But doing so meant sticking to his principles to fight communism (abroad, even though Bricker was more concerned about its influence in America). Bricker voted against the $400 million aid to Greece and Turkey in 1947 to fight communism in those countries, placing his isolationist feelings above anti-communism. He also opposed the intervention because he believed it would be too costly on the American taxpayer. Behind this reasoning was, yet again, a fear of communist takeover in America. Bricker's reasoning seems to have been that keeping taxes lower provided a defense against communism in the United States, which mattered more to him than fighting communism abroad, because it kept more money in Americans' pockets and thus increased their freedom.

The problem for his public image, however, was that he sounded conspiratorial. Post-war America was a different landscape than even what he had run on for governor in 1938. In the Senate, he insinuated that the "whole story" had not been revealed about what the $400 million to Greece and Turkey was really being used for: "Surely our people are entitled to know the whole story in connection with this grant and they have

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[238] Arthur Vandenberg, *The Private Papers of Arthur Vandenberg* (Boston: Houghton-Mifflin, 1952), 354.
[239] Davies, *Defender of the Old Guard*, 113-116.

not been told." With this, Bricker insinuated that the real enemy was communism at home. "I hate Communism with every fiber that is in me," he said on the Senate floor on April 22, 1947. "I hate it here in America. It can, and unless checked will, destroy everything that we cherish and hold dear: the right to worship, individual liberty and opportunity, freedom of speech, and the American way of life for which so many so recently gave their lives." He emphasized: "Here is a place to start a fight against Communism. To do that the Congress must give some attention to the American taxpayer."[240]

Behind Bricker's reasoning for believing in an internal communist threat, like his previous statements in 1938 and 1944, was that communism, or anyone "soft" on it, represented a danger to the traditional American values so close to Bricker and that had carried him through his entire life. To go along with a $400 million package to Greece and Turkey meant going against his sound budgeting principles, which had left Ohio with a $75 million surplus and given Bricker three consecutive terms as governor. To support the Truman administration and carry on the New Deal meant supporting a philosophy of government that overstepped the boundaries of community, self-reliance and minimal regulation that had characterized the Ohio that Bricker knew. As Britain elected a Labour government in 1945 under Prime Minister Clement Attlee, relations with the Soviets cooled, and Czechoslovakia fell to a communist coup d'état in 1948, fears of similar big-government and/or communist takeovers in America were not entirely unjustified. The

[240] John Bricker, "Statement on Greek and Turkish 'Loan' Vote," April 22, 1947; Davies, *Defender of the Old Guard,* 121-122.

New Deal seemed like the most logical open gate for socialists and communists to extend their influence, though accusations tended to rest on limited or flimsy evidence.[241]

Americans' fears about communism within their own country rose between 1945 and 1950. Poll numbers published in *Public Opinion Quarterly* show Americans' change of feelings. In 1945, fifty-five percent of Americans were optimistic about possibilities of accommodation with the Soviet Union (versus thirty-one percent who were not) and believed that peace could be achieved through the United Nations. However, by 1951 a majority of Americans believed military intervention was required to maintain security at home. Americans held a complicated position on President Truman's stance against communism. In 1948, while fifty-three percent believed Truman was opposed to "giving in" to communists, seventy-three percent believed his administration was "too soft" on communism. That the concern about being "soft" on communism seemed higher than concerns about Truman's personal convictions suggests that most Americans were concerned about communism's influence on American life.[242]

Another poll suggests that Americans' fears were rising, as shown by their support for harsher measures against communists in America. Proposals that restricted communists' ability to speak on the radio and hold civil service jobs, including a requirement to register with the American Communist Party, received general support by 1950. However, Americans did not go too far in their opinions on restrictions, and they seemed to have followed President Truman on the issue. Truman opposed the proposed Mundt-Nixon Bill of 1948, which would have required all members of the American Communist Party to register with the Attorney General. Along with that, from early 1948

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[241] Davies, *Defender of the Old Guard*, 133-134.
[242] Theoharis, *Seeds of Repression*, 9-12.

to mid-1948, popular support for that bill decreased from seventy-seven to sixty-three percent. Nonetheless, that three-fifths of the country supported it suggested a public distaste for communism and a public willingness to restrict it.[243]

International developments at the end of the 1940s renewed worries over the Truman administration's competence against communism, as well as fears of communist infiltration in American government. In 1949, the Chinese Nationalist government fell to communist forces under Mao Zedong. In September of that same year, the Soviets exploded their first atomic bomb. Closer to home was the trial and conviction of Alger Hiss, a senior State Department official who was convicted of lying under oath about spying for the Soviets in the 1930s. A year before Hiss' conviction, Bricker had proposed an investigation of the growing power of the federal government. The reason for doing so "grew out of experiences of state and local officials across the nation who have found the expansion of the Federal Government invading the fields of police, welfare, and tax powers which have historically been reserved to state and local governments." He urged the Senate to approve the bill because the United States was "faced with an irresistible rush to centralization—then state socialism—then dictatorship." In short, Bricker was convinced the United States was on its way to a totalitarian takeover as long as New Deal programs and big-government policies continued.[244] The bill died in committee soon after his speech.[245]

In light of the Alger Hiss trial, and in line with his convictions of America's doom, Bricker's language regarding his convictions that communists had infiltrated

[243] Ibid., 9-12, 203.
[244] John Bricker, "Statement of John Bricker," February 3, 1949.
[245] Davies, *Defender of the Old Guard,* 141.

American government was the most blunt by 1950. In September of that year, he spoke to the Ohio Republican Convention about the dangers of communism. Communism brought "Godless materialism," which was infiltrating public schools and organized labor. Bricker claimed that communists were in the government. "The New Deal brought them into government," he warned. "The Republican Party will have to drive them out." Alger Hiss's conviction was the reason Bricker believed this so strongly. "The most glaring example of Communists in high places is Alger Hiss…He sat with Roosevelt at Yalta. His influence with the President was very great. It was at Yalta that we started down the long, long road of war, desolation, ruin and betrayal of the free peoples of the world."[246]

Another contemporary and very prominent Republican politician obsessed with rooting out communism appeared at the same time: Senator Joseph McCarthy of Wisconsin. Both Bricker and McCarthy were elected to the Senate in 1946. Until 1950, McCarthy had remained a rather low-level figure in the Republican Party until his breakthrough communist claims in February of that year. In a speech to the Ohio County Women's Republican Club in Wheeling, West Virginia, he told the women that "I have in my hand fifty-seven cases of individuals who would appear to be either card-carrying members or certainly loyal to the Communist party" in the State Department. The speech sparked national press attention, pushing McCarthy to the top tier of the Republican Party in terms of recognition in the national media.[247]

Bricker's approach to the communist infiltration issue illustrated several differences between himself and McCarthy. Though having cast himself as an inflammatory figure of the far Right by 1950, Bricker's convictions always rested on

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[246] John Bricker, Address to the Ohio Republican Convention, September 21, 1950.
[247] Gould, *Grand Old Party*, 322-323.

founding principles that had brought him to the highest ranks of government. His remarks on communist infiltration throughout the 1940s and the early 1950s continuously led back to traditional American principles that communism so dangerously threatened. In his 1950 speech to the Ohio Republican Convention, "godless materialism" was at shore that would soon dissolve Americans' religious convictions and habits of moderation. When he opposed aid to Turkey and Greece in 1947, he did so on the grounds that the communism threat was greater in America than abroad; this internal communism would soon destroy "the right to worship, individual liberty and opportunity, freedom of speech, and the American way of life." In his campaign for governor against Charles Sawyer in 1938, communists, who had endorsed Sawyer, would overthrow "our liberties" that ensured individual enterprise and limited government. Bricker was also more restrained in his personality and actions in the Senate, even if his words convinced few.[248]

McCarthy, however, soon turned redbaiting into a type of witch hunt that earned the term "McCarthyism." Whereas Bricker's intellectually shallow accusations earned him unflattering characterizations – one prominent historian described him as a "vapid conservative" and "too fatuous" to be considered a serious presidential contender against Roosevelt – his integrity was unquestioned.[249] Blum seemed not to be commenting on Bricker's native intelligence but rather his resorting to epithets against the New Deal that lacked good direction regarding policy. McCarthy's, however, was soon held in quite low esteem – in addition to producing few comments that seemed intellectually worthwhile. Bricker's harping on communism since his election to the Senate in 1946 resembled

[248] Theoharis, *Seeds of Repression*, 16.
[249] John Morton Blum, *V was for Victory: Politics and American Culture During World War II* (New York: Harcourt Brace Jovanovich, 1976), 261, 278.

McCarthyism, even before McCarthy came on the scene, in the sense of using anti-radical language to impugn the New Deal and leaders involved in it, especially labor leaders. Yet after his Wheeling speech in 1950, McCarthy followed the witch-hunt tactics with little direction, content with the publicity they produced.[250] Whereas Bricker had targeted specific individuals that were associated with the New Deal, the Communist Party, or organized labor, McCarthy hounded the State Department with claims of espionage. His experience as a prosecutor gave him a zeal that Bricker, a more restrained Midwesterner, did not exhibit. That zeal climaxed in the Army-McCarthy hearings of 1954, where McCarthy went too far and self-destructed soon after.[251]

McCarthy's accusations against the State Department, however, were ideally timed to coincide with guilty verdicts in prominent prosecutions and thus attracted conservatives to his tactics and cause, even if those same conservatives sometimes disdained him in private. His Wheeling speech followed just eight months after the Alger Hiss conviction. Bricker's warnings, going back to 1938, occurred before most of the country worried about communism at home and before multiple Soviet sympathizers were rooted out of the Truman administration. McCarthy's ability to connect subversion with the Democratic Party on matters of national security enlarged the infiltration issue. Bricker's method of "guilt by association" – which he had used in 1938 against Charles Sawyer, 1944 against President Roosevelt, 1946 against Senator James Huffman, and in various Senate speeches – focused on internal influences related to New Deal reform, thus keeping the scale of accusations smaller and more focused on individuals. McCarthy helped shift the guilt-by-association technique to a global focus that had huge

[250] Theoharis, *Seeds of Repression*, 17.
[251] Ibid., 16-17, 188-189.

implications for U.S. security and thereby drew more Republicans (and the public) to the cause.[252]

Bricker supported McCarthy and his tactics both in private and in public. Though McCarthy appeared, at times, to be overzealous, compared to the more restrained (but no less patriotic) Bricker, he saw McCarthy as playing a necessary role in rooting out communism at home. In Bricker's view, McCarthy was the loud and assertive voice the Republicans needed. Bricker told McCarthy plainly: "Joe, you're a son-of-a-bitch, but there are times when you've got to have a son-of-a-bitch around, and this is one of them."[253] Senator Taft, who privately disagreed with McCarthy's "reckless behavior," nevertheless told McCarthy that "if one case doesn't work out, bring up another," when looking for a new charge of deceit or espionage to bring to the press.[254] Republicans, even if privately opposed to McCarthy's crudeness, found his aggressiveness highly useful in putting Democrats on the defensive.[255]

While, after 1950, McCarthy enjoyed a few years of national attention fighting communist infiltration, Bricker took up another issue to strengthen his 1952 reelection bid: treaty law. President Truman's unilateral decision to commit troops to Korea in 1950 frightened Bricker because of its implications for an ever-stronger executive that was unchecked by Congress. "I am opposed to violating the Constitution, directly or indirectly. I am opposed to the Congress abdicating its duty to the Executive, to the United Nations or to any other body over which the people of the United States have no

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[252] Ibid., 13-18.
[253] David W. Reinhard, *The Republican Right Since 1945* (Lexington: University of Kentucky Press, 1983), 63.
[254] Patterson, *Mr. Republican*, 449; David M. Oshinsky, *A Conspiracy so Immense: The World of Joe McCarthy* (London: The Free Press, 1983), 133.
[255] Gould, *Grand Old Party*, 323.

control," he told the Senate.[256] While McCarthy was helping Republicans dominate the debate over communism and national security, a restriction on presidential authority also meshed well with conservative ideas in the early 1950s. The Korean War and recent revelations about State Department officials' associations with communism weakened trust in Truman and matters of foreign policy. Conservatives, meanwhile, were still wary of the idea of a strong executive since Roosevelt's death in 1945, let alone one that served an unprecedented twelve consecutive years in office.[257]

Specifically connected to these worries was the possibility that international agreements could supersede the Bill of Rights – and that Congress played no role in such agreements. Bricker introduced an amendment on February 7, 1952 – which later became known as the Bricker Amendment – that would require congressional approval of executive agreements and other agreements with foreign powers that did not need the approval of two-thirds of the Senate for treaties. The measure Bricker targeted, however, took some by surprise: the proposed Covenant on Human Rights drafted by the United Nations Commission on Human Rights – chaired by Eleanor Roosevelt. Bricker was worried that, if ratified, it would supersede free speech in the American Bill of Rights. Bricker targeted Article 14 of the draft: "The right to seek, receive and impart information and ideas carries with it special duties and responsibilities and may therefore be subject to certain penalties, liabilities, and restrictions." Bricker loosely associated this provision with a "totalitarian" philosophy because Alger Hiss had played a role in drafting the United Nations charter. The Charter, he claimed on the Senate floor, was an "ingenious mechanism designed to stifle all criticism of the so-called Fair Deal

[256] John Bricker, "The State Department Endangers Freedom of the Press," July 17, 1951.
[257] Theoharis, *Seeds of Repression*, 186-187.

[Truman's domestic reform program]. No doubt [Secretary of State] Dean Acheson's Socialist friends in Great Britain are tickled to death." Once again, Bricker took a stand against an act of government supported by someone who had been loosely associated with a supposed communist sympathizer (Alger Hiss). Bricker basing his opposition to the U.N. charter on lifelong conservative principles – this time the relationship between limited government and free speech – while using the opportunity to smear the New Deal and legislation associated with it.[258]

Bricker now had a major campaign issue for his reelection in 1952. He sought, in his proposed amendment, not only to check executive authority and the power of international agreements over American law, but also to restrict foreign influence on domestic conditions.[259] For a senatorial opponent that year, Democrats in Ohio chose Michael V. DiSalle, former mayor of Toledo and then-director of the Office of Price Stabilization in the Truman administration. Bricker's run of good luck on the campaign trail continued because he faced an opponent closely associated with the Truman administration – now unpopular and beset with problems of espionage, rumors of more subversion, and the Korean War. Bricker was also able to ride the wave of McCarthy's popularity, associating himself explicitly with the fellow Republican senator on the campaign trail. In a campaign in Cleveland, Bricker told an audience, "Yes, I am a friend of Joe McCarthy. He has done much for millions of Americans." Ohioans were in a Republican mood in 1952 and bought the message. Truman carried Ohio by just 12,000

[258] Bricker, "The State Department Endangers Freedom of the Press"; Davies, *Defender of the Old Guard*, 142-146.
[259] Theoharis, *Seeds of Repression*, 187.

votes in 1948. However, Eisenhower won four years later with sixty percent of the vote. Bricker trailed him by over 200,000 votes but still defeated DiSalle by 330,000.[260]

The Tail End and Labor's Revenge, 1953-1959

Bricker took the victory as an endorsement of his amendment, but the tide in Washington soon turned against him and other senators who had hitched themselves to McCarthy. Bricker believed that McCarthy's impassioned efforts to root out suspected communists in the State Department covered the anti-communist issue for the moment, leaving Bricker to his proposed amendment and to focus on what he perceived as a dangerously strong executive. However, McCarthy's popularity began to unravel when, on February 5, 1953, newly elected President Eisenhower nominated career diplomat Charles E. Bohlen to become ambassador to the Soviet Union. Because Bohlen had been a member of the delegation to the Yalta Conference in 1945 and was thus associated with the agreement there that seemed to give Stalin what he wanted in Eastern Europe, McCarthy soon got to work firmly opposing the nomination. McCarthy demanded that confidential government files on Bohlen, including FBI files, be made public. Bricker got in line behind McCarthy and denounced the nomination for the same reasons. His language was extreme, urging other senators to oppose Bohlen because he represented "both at home and abroad the policy of appeasement and enslavement at Yalta and elsewhere by the previous [Truman] administration."[261] However, the attempt floundered and was especially embarrassing for Bricker because his fellow Ohio Senator, Robert

[260] Davies, *Defender of the Old Guard*, 151-52.
[261] John Bricker to Mrs. Carl Wilson, April 14, 1953.

Taft, supported Bohlen and helped engineer the final 74-13 Senate vote in favor of confirmation.[262]

In supporting McCarthy's denouncement of Bohlen, Bricker had created a rift between himself and the much more moderate Republican president. Eisenhower was disturbed by the thirteen Senators in opposition, realizing that one of them proposed an amendment that would curb the President's abilities to shape foreign policy. Eisenhower was weary of Bricker and saw him as one of the "stubborn and essentially small-minded examples of the extreme isolationist group in the party."[263] Bricker's anti-communist base in the Senate, on which he had grounded himself since 1947, also disappeared by the end of 1954. McCarthy self-destructed during the Army-McCarthy hearings in April-June 1954. As McCarthy investigated the Army, it turned the tables by investigating him. The issue was a complaint by the Army that McCarthy had tried to pressure it into giving preferential treatment to former McCarthy aid G. David Schine. At the same time, McCarthy's increasingly aggressive questioning of those accused of communist associations turned off many Republicans and the public, who watched on TV, adding a visual dimension that radio alone could not have done a generation earlier. His tactics, which had been popular in anti-communist efforts, became associated with unhinged smear campaigns. On December 2, 1954, the Republican-controlled Senate voted 67-22 to condemn McCarthy, and he enjoyed little political influence thereafter until his death in 1957.[264]

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[262] Davies, *Defender of the Old Guard*, 152, 163-164.
[263] Michael A. Guhin, *John Foster Dulles: A Statesman and His Times* (New York: Columbia University Press, 1972), 200.
[264] Gould, *Grand Old Party*, 322-326, 335-336.

As McCarthy was losing his popularity throughout 1953 and 1954, Bricker was losing support from Republicans who saw him as creating a dangerous division between Republicans in Congress and the sitting Republican president, the first in twenty years. Bricker was in a tough spot, having derived his motivation for the amendment under a Democratic presidency but now finding its supporters splintering under a popular Republican one. Eisenhower did not support the amendment, believing it unduly restricted his powers on crucial foreign policy matters.[265] Yet, to avoid further party divisions, Eisenhower was open to compromise if the amendment could be watered down. On July 31, 1953, Senator Taft died of cancer, taking away the President's best Senate ally to find middle ground with Bricker. By early 1954, the amendment, which had undergone fights over some revisions to compromise with the White House, had become a "time-bomb threat to both G.O.P unity and White House-congressional relations," as *Time* magazine described it.[266]

Several Republicans abandoned the amendment effort to save themselves and the Republican Party's unity, the first defection coming from Senator Prescott Bush of Connecticut (father of President George H.W. Bush) on January 22, 1954. Many decided to support the much more popular President over Bricker. However, an unlikely Democratic supporter came to Bricker's rescue. Conservative Democratic Senator Walter George of Georgia proposed a similar amendment on January 27 that quickly gained bipartisan support. George, who had been in the Senate since 1922, and other Dixiecrats supported the amendment out of the belief that international treaties would be used to

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[265] Theoharis, *Seeds of Repression*, 187.
[266] "The Congress: On Their Knees," *Time*, January 18, 1954, http://content.time.com/time/subscriber/article/0,33009,819391,00.html (accessed March 7, 2021); Davies, *Defender of the Old Guard*, 170-171.

abolish racial segregation in the South, though even they feared the proposed amendment endangered national security by restricting the president's powers.[267] A stubbornly committed man, Bricker at first refused to go along with the provision, claiming that any watering down of his version determined whether Americans lived in a "dictatorship and not a Constitutional Republic."[268] However, Bricker soon gave in, realizing that George's proposal had gained more bipartisan support (due partly to George's greater seniority in the Senate). Bricker was caught between going with his instinctual conservatism, which was now seriously outdated, and supporting the head of the political party with which he enjoyed a lifelong affiliation. He was equally frustrated that Southern Democrats had essentially taken over the amendment because they were part of the party of the New Deal and ballooning bureaucracy. The saga came to a bitter end on February 26, 1954, with a fittingly dramatic defeat. Senator George's proposal came in at the absolute minimum two-thirds majority: 60-30. Then, as the clerk was completing the roll call of absent senators, West Virginia Democratic Senator Harley Kilgore was helped onto the floor by some Senate aides, apparently wobbling to his seat to draw out a slow "no." With Kilgore's one word, the amendment was defeated.[269]

Bricker was infuriated, claiming that Kilgore had been awakened from a "drunken stupor" to cast a vote on something about which he knew as much as "the Man in the Moon."[270] However, Kilgore had been on the record as opposed to the amendment since

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[267] Duane Tananbaum, *The Bricker Amendment Controversy: A Test of Eisenhower's Political Leadership* (Ithaca: Cornell University Press, 1988), 175-190.
[268] Senator Bricker, speaking on Sen. J. Res. 1, 83rd Cong., 2nd sess., *Congressional Record*, vol. 100, pt. 1, 945, January 28, 1954, https://www.congress.gov/83/crecb/1954/01/28/GPO-CRECB-1954-pt1-16.pdf (accessed March 15, 2021).
[269] Davies, *Defender of the Old Guard*, 172-181.
[270] Frank E. Holman, *Story of the Bricker Amendment* (New York City: Committee for Constitutional Government, 1954), 91.

1953, and he had undergone dental work that had caused his gums to become swollen. Some journalists covering the incident wrote that Kilgore was under heavy medication from a recent hospitalization to fight an infection. Other accounts concluded that Kilgore had either been recovering from a hangover in his office and arrived late, or that he "had to be fetched from a nearby tavern."[271] The story makes for an amusing ending: a supposedly drunken Democrat defeating an amendment effort by a Republican who had campaigned for prohibition during his college years. However, the reasoning for Kilgore's wobbly state is a source of controversy. What Bricker was correct about was his frustration with the President, who had rallied more Republicans for his cause than Bricker's.[272]

The rest of 1954 did little to take the sting away from the biggest and most public defeat in Bricker's long career. Bricker did little to change his image as a hardened conservative on the far Right when he took to the floor on November 12 to defend McCarthy and his "preeminent success" in exposing the communist threat during the debate over whether to condemn him.[273] Still bitter, but determined, he introduced his Bricker Amendment again in January 1955. However, it produced little more than a few meetings with the American Bar Association's (ABA) Committee on Peace and Law.[274]

Yet again, the amendment was pulled out from under Bricker – this time by another Republican, Senator Everett Dirksen of Illinois. Dirksen produced a draft that read simply, "A provision of a treaty or other international agreement which conflicts with any provision of this Constitution shall not be of any force or effect." The ABA

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[271] Tananbaum, *Bricker Amendment Controversy*, 179-80.
[272] Davies, *Defender of the Old Guard*, 181.
[273] Ibid., 186.
[274] Ibid., 186-187.

deemed it inadequate, far-Right conservatives believed it was not strong enough, and Democrats and moderate Republicans wanted no more to do with the controversy.[275] Bricker sensed the issue would explode and, always a loyal Republican, put off the amendment's discussion until after the 1956 elections so as to not hurt Republicans' chances that year. However, passing time led to even less interest in the Senate. The Suez Canal crisis of 1956 led to Eisenhower's request for Congress to pass a resolution offering financial aid to Middle Eastern nations and authorizing military action. Eisenhower had acted by the book and had consulted Congress, which Bricker could not oppose on constitutional grounds. By the time the Suez Canal issue had faded from the spotlight, Bricker had to focus on reelection in 1958, and the proposed amendment faded into the past. However, the issue was addressed by the Supreme Court soon after. In Reid v. Covert (1957), the Court ruled that an executive agreement cannot supersede the Constitution.[276] The case was based on an executive agreement that authorized a military court to try the spouse of an American soldier accused of a crime while outside the United States. Bricker had scored a victory with the Court's ruling, though he had not done it through the use of a constitutional amendment like he hoped.[277]

Bricker's amendment efforts had earned him praise and scorn from around the country, though he had little else on which to campaign. His continued work on the Joint Committee on Atomic Energy and the Banking Committee were not nearly as attractive as another issue simmering in Ohio that soon appeared as the crucial question on the 1958 ballot: a proposed right-to-work law. The Taft-Hartley Act, passed by Congress in

[275] Ibid., 188-89.
[276] Reid v. Covert, 354 U.S. 1 (1957).
[277] Davies, *Defender of the Old Guard*, 189-191.

1947, allowed states to enact laws that abolished the union shop provision of the National Labor Relations Act of 1935 (which allowed companies to require workers to join a properly recognized union within thirty days to retain their job).[278] Conservatives throughout the South and West had enacted such laws in state legislatures to deal organized labor a serious blow, and the Ohio GOP wanted to do the same.[279]

Though right-to-work laws were right in line with Bricker's political philosophy, he feared the timing of the issue on the 1958 ballot would defeat his reelection effort by bringing out massive numbers of union workers and their families to the polls. After unsuccessfully urging the Ohio GOP to postpone the referendum, Bricker feared for the worst. His Democratic opponent was longtime politician Stephen Young of Cleveland, who had been defeated in his campaign for Ohio attorney general in 1956. Young was a lackluster candidate who had won the nomination because stronger candidates declined to run (they saw Bricker as invincible). Yet the right-to-work issue became Question 2 on the ballot and changed voters' minds. The national offices of the AFL-CIO launched voter registration drives that helped create one of Ohio's largest voter turnouts ever. Bricker did not officially announce his support for Question 2 until October 14, trying to avoid the explosive issue as long as possible. His chances looked more grim when President Truman campaigned for Young in Ohio. Making matters worse was that President Eisenhower, recalling the Bricker Amendment headache, did not visit Ohio to campaign for Bricker. Bricker stuck to his check-list issues on the campaign, which

[278] Ibid., 195.
[279] Ibid., 194-196.

worked especially well in rural counties: the ills of big government, noncompliant labor, and communism.[280]

Bricker was correct when he wrote to a friend that he could "feel the avalanche coming."[281] 1958 was a bad year for Republicans. The incumbent Republican Ohio governor, C. William O'Neill, who had endorsed Question 2, lost to Bricker's 1952 senatorial opponent, Michael DiSalle. Young defeated Bricker, 1,652,000 to 1,497,000 votes – a margin of 155,000. Question 2 lost by nearly 930,000 votes. It, along with Truman's support of Young and a national recession, had worked against Bricker. Bricker returned to Columbus and became a senior partner at Bricker, Evatt, Barton, Marburger, and Neihoff. He maintained an image as the patriarch of Ohio's GOP, though he never forgave Eisenhower (for refusing to campaign for him) or the state GOP (for refusing to support a delay on the right-to-work legislation).

Conclusion

John Bricker left a mixed political record. His greatest achievement was the reduction of a budget deficit he inherited as governor in 1939 that produced a $75 million surplus by 1945, though it was his only major feat. That accomplishment was accompanied and aided by a growing economy through major federal spending during World War II. Yet his handling of the 1939 Cleveland relief crisis and his strong language against communism and organized labor were more inflammatory than helpful, creating many political enemies outside his strong rural bases in Ohio. Probably the most frustrating thing for Bricker was that the world that had produced his lifelong

[280] Ibid., 195-197.
[281] John Bricker to Harold Boeschenstein, December 15, 1958.

conservative outlook was no longer the dominant one just as he was entering the top tier of politics at the beginning of the 1940s. His transition from a moderate conservative during the mid-1930s to a rock-ribbed Republican on the far Right by the mid-1940s illustrates this point – a politician becoming increasingly removed from the emerging political landscape. John Bricker did not necessarily move himself to the political Right: the rapidly changing American political landscape moved him.[282]

Bricker was a man of principle – an "honest John" – who always kept the state in order and costs down. He never left the simplistic worldview he inherited in Mount Sterling, including his values of thrift, self-reliance, individual discipline, and the aid of community rather than government. His strong anti-communist language, which separated him from many of his Republican colleagues, represented what he saw as a threat to the fundamental principles and simple worldview he learned in childhood and had used to propel himself to some of the highest offices in American politics. To Bricker, the New Deal went hand-in-hand with communism and socialism as the open gate for those ideologies to enter into American life. He also realized that he could exploit communism on the campaign trail, which hurt Democrats. The 1939 relief crisis was the first major test of Bricker's conservatism, which proved him to be unbending when faced with pressure to expand state government in a New-Dealish way through greater relief aid. That communists had endorsed his gubernatorial opponent the previous year and were loosely associated with another political adversary, organized labor, increased his fears of communist influence over the ways of American life he knew so well. The New Deal's permanence, combined with enough evidence of communist

[282] Davies, *Defender of the Old Guard*, 216-217.

influence or sympathies in the federal government throughout the 1940s and 1950s, gave rise to the new, hardened, more McCarthyite Bricker in the process. That Bricker's fear of communism was based on its threat to his political principles is illustrated by the marked contrast between Bricker's anti-communist language – directed mostly at discrediting big government and those behind it – and McCarthy's reckless style that did not provide a principled alternative to the New Deal.[283]

Bricker's political career is also important because it spans a period in which Republicans who did not come from rural places (Bricker's background) still struggled to defeat the twenty years of a Democratic presidency from 1932 to 1952. Not all isolationists were from rural settings, nor were all Republicans from rural settings isolationists. Some isolationists attended the nation's best institutions and held prominent positions in metropolitan areas. For example, Robert Taft came from Cincinnati, much more industrialized than Columbus in the early twentieth century, and was educated at Yale and Harvard Law School (though his isolationism was strongest before being nearly defeated in his 1944 Senate reelection, which pushed him more toward the political center in some ways). Yet two Republican Senators from the rural state of Kansas, Arthur Capper and Clyde Reed, both voted for American aid to Greece and Turkey to combat the rise of communism in those countries. Republicans' backgrounds were not a determinative factor in their isolationism, though that ideology lost much ground and credibility after World War II and, soon after, the rise of the Cold War and communist takeovers of governments throughout Europe and Asia. As the Depression loomed on and

[283] Ibid., 216.

America became involved in World War II, American voters came to prefer FDR's continuity of leadership in troubling times – further frustrating Republicans' hopes.[284]

More importantly, the New Deal pushed isolationists out of the political mainstream as the New Deal became a lasting feature of American life. The rise of a prosperous middle class after World War II, which had benefited (and was continuing to benefit) from many New Deal programs, kept the New Deal's popularity alive. Middle-class prosperity and continued national security threats went hand-in-hand. One example of this relationship was with the GI Bill, which helped recent male veterans of World War II obtain a subsidized college education, thus encouraging a male breadwinner model based off of military service abroad and, soon after, federal aid for higher education. By the beginning of the 1950s, military intervention abroad was a mainstay, discrediting isolationists like Bricker. Additionally, by that point, it was closely connected with a rising middle class that had participated in conflicts abroad and that soon dictated the cultural tastes of the new decade. Even Dwight Eisenhower – who ended the twenty-year Republican drought in the presidency with his election victory in 1952 – was non-isolationist and politically centrist in many aspects. Not even a Republican White House victory in 1952 could assist the greatly weakened isolationist ideology or Republicans, like Bricker, many of whom were unwavering in their commitment to eliminating the New Deal.[285]

If Bricker had been reelected to the Senate in 1958, he likely would have struggled to fit in with the emerging New Right. That new conservative brand was led by

[284] Justus D. Doenecke, *Not to the Swift: The Old Isolationists in the Cold War Era* (London: Associated University Presses, 1979), 21-24.
[285] Ibid., 25-32.

Barry Goldwater in the 1964 national election and, later, Ronald Reagan – first in his bid for California governor in 1966 and then as president in 1980. The New Right was more supportive of the large military establishment that had been built up by the Cold War – something which Bricker would have continued to oppose – recognizing the threat the Soviet Union posed to the U.S. The New Right also recognized that the Cold War was a battle concerned much more with communism *outside* the United States, not within. Bricker had continued to focus on communism within the United States and supported few initiatives for containing it around the world. He likely would have agreed with the New Right's opposition to Civil Rights legislation based on conservatives' understanding of federalism, but, overall, he would not have fit neatly within the Goldwater or Reagan consensus. If Bricker had lived to see the end of the Reagan presidency in 1989, he would have surely celebrated the end of the Cold War but likely would have been appalled by the federal deficit racked up by Reagan's foreign policy spending – which had tripled to roughly $2.1 trillion by 1989.[286]

Closer to home, Bricker continued his involvements with The Ohio State University, having been appointed as a trustee by Governor Thomas Herbert in 1948 and continuing to serve as one of a nine-member board in that role until 1969. He attended many luncheons, athletic events, and fundraisers, and he occasionally gave lectures on American history and government. In the 1960s, the campus, like many others across the United States, faced controversy over increasing pressure to permit speakers on the Left to address students about various social issues, especially the Vietnam War. Bricker's conservatism led him to oppose Ohio State President Novice Fawcett's recommendation

[286] Gould, *Grand Old Party*, 353-357; Robert M. Collins, *Transforming America: Politics and Culture During the Reagan Years* (New York City: Columbia University Press, 2007), 250-257.

to lessen OSU's restrictions on who could speak on campus, which had been enacted during the Red Scare after World War I to keep out communists and communist sympathizers. Leading the board of trustees, Bricker helped support the final 5-3 vote against Fawcett's proposal to lessen the restrictions. Bricker told the press, "Either I am right about this—or our nation is wrong—in the prosecution of our case in Vietnam, in our opposition to Castro and other subversive forces generally." The contrast of "correctness" was quite stark – Bricker versus the nation – but it was based on the same thinking and language Bricker had used for years against communism.[287]

Additionally, Bricker's political career and views suggest something about why no Ohioan has ever again appeared on a national ticket. Bricker represented less of a policy alternative to the New Deal and more of a return to the past, a sense of nostalgia for many Americans who wished the United States could return to an era of less military intervention abroad and a smaller scope for the federal government. Bricker was enormously popular at the 1944 Republican National Convention, which suggests that Republicans that year were not in a position to win the White House if their political inclinations were tipped more to the past and not to steering America into the post-war future.[288] What worked for Bricker in Ohio resonated with many conservatives because of the state's population that was of the middling sort and likeable in many ways – conventional, hospitable, simplistic, ethnically and religiously homogenous, and able to combine a folksy style and reserved manner in an appealing way. Bricker reflected these qualities and many others. While he possessed a baritone voice that was great for radio, his manner was more reserved. This was likely one reason he failed to resonate with

[287] Davies, *Defender of the Old Guard*, 209-211.
[288] Ibid., 93-95.

many voters in urban areas, especially outside Ohio, where the population was growing and changing rapidly. Given that many Ohioans today still reflect many of these qualities, that is perhaps one reason Ohio has failed to produce a presidential candidate in an era with a population that is much more visually oriented through television and social media – and an era in which restraint in one's words and actions on the campaign trail is not as serviceable as it once was.

Despite his many political disappointments, Bricker enjoyed enormous popularity in Ohio during his lifetime. At Bricker's death in 1986, the *Cincinnati Enquirer* wrote approvingly, "John W. Bricker had the good fortune to look precisely like what he was—a conservative Midwesterner who believed fervently in the American Dream, because he was one of its beneficiaries."[289] The native son of Ohio most definitely enjoyed what his country had given him, and he sought to defend conservative principles until his end.

[289] "John W. Bricker: A Former Governor and Senator Looked Like Just What He Was," *Cincinnati Enquirer*, March 27, 1986, https://www.newspapers.com/image/101816474/?terms=John%20Bricker&match=1 (accessed March 14, 2021).

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